THE DOCKET SHEET

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Happy New Year!

The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOL. 16, No. 1

JANUARY-FEBRUARY 1979

BERNARD GLASPER

Painting © BETTY WELLS

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SMALL FRY AND THE MAILBAG*

Mail pours in to (the Supreme Court) . . . from people of every type (including) children.

Generally the small fry correspondence concerns a class assignment though at other times it is inspired by a hobby (collecting autographs) and occasionally it is merely an expression of good will. . . .

Some letters are heartening, even flattering. Some are confidential ("my dad comes home late from work and . . . trys to help me with my autograph collecting since I broke my hand playing ball"). Some reflect . . . the worries of adolescent years ("I have been asked to wright a report on . . . Earl Warren. . . . I would like this information to be as complete as posible. . . . Begin seventeen I am loseing faith in the government and this information would restore my faith in the goverment." Four misspellings in as many lines in a 17-year-old's letter is more than average, but the children's mail makes clear that any teacher pondering whether to give one more spelling drill is well advised to do so. Riffling through 100 or so letters from grade and high school children more than fifty words are found misspelled. . . . Supreme as in Supreme Court comes out Sepreme, Surpreme, Surprime and Suprem. Government is often goverment and sometimes govorment. Justices become Jusctices, and the gentlemen of the Bench gentalment. . . . One high school student wrote from Navada. . . .

Beyond the spelling are the children's concern with getting answers to questions teachers have posed. . . . "Could you send me information on the purpose of the Supreme Court?" "I would like you to send me all the information on government you know. Maybe I can send you some information sometime. . . ."

The children's letters tell much about the young authors. . . . "Would you include a map of Washington, D.C. . . . , Sincerely, John Burke. P.S. You pronounce my name 'Berk' ". "When I grow up I want to be a football player, then I might be a lawyer. Would you send me a panphlet on . . . what a judge does?" "Some day I'm going to be president and help our great country". "I am fourteen. . . . Even though I don't intend on going to law school, I hold the highest respect for our country's judicial system. . . . I am going to be an honest politican. . . ." "When I was really young I wanted to become a major league baseball player. . . . I'm thirteen. . . . I've noticed for sometime now that ever since I've decided to become a lawyer my studies have been noticeably better. . . . I'm really not sure what prompted me to become a lawyer. It may have been my mother saying, 'you should become a lawyer, you're so technical' ".

Some young writers are autograph collectors hoping to supplement their treasures. Some have heard good things about the Justices and wish to express that. Some use art to combine the two. "You are one of the greatest leaders this country ever had. . . . I would like . . . autographed pictures". "I'm twelve years old and I can't wait to tell my friends that I wrote to you. . . . You are so interesting to work on . . . I hope you right back". "It must be very exciting to be involved in such important legal decisions. . . . Sincerely . . . age 12". "You have done very much for this world and I am proud of you. . . ." "Our class would like . . . to have a picture of the Supreme Court. . . . In our textbook the picture was taken when **Felix Frankfurter** was in office. P.S. Have a nice day."

*Reprinted by permission from the 1978 yearbook of the Supreme Court Historical Society.

THE COURT IN HISTORY

- **200 years ago, 1779. John Jay,** future first Chief Justice of the United States Supreme Court, completes two years of service as Chief Justice of New York State.
- **180 years ago, February 1799.** Supreme Court meets in Philadelphia City Hall for the first of two Terms for the year.
- **160 years ago, February 1819.** Court begins Term famous for three decisions emphasizing national sovereignty: Sturges v. Crowninshield (bankruptcy, 4 *Wheat* 122), McCulloch v. Maryland (banking, 4 *Wheat* 316), Dartmouth College v. Woodward (contracts, 4 *Wheat* 518).
  - **40 years ago, January 30, 1939. Felix Frankfurter** joins the Court.
  - **February 13, 1939. Louis B. Brandeis** retires after 22 years on Court.

The Docket Sheet is published bimonthly by the Public Information Officer, **Barrett McGurn. Joan Sprince** and **Cecily Coleman** are assistant editors. Printing and typesetting is by DiCesare & Associates.

COVER BOX

When Betty Wells of NBC-TV did her 30-minute Washington Channel 4 program and her five-minute nationwide Today Show feature on Supreme Court pictorial themes during the past year, one of her favorite pictures was that of **Bernard Glasper** polishing the brass cover of a fire box.* "He seemed so happy and proud in what he was doing," Mrs. Wells said. Bernard, who has been on the labor force for the past seven years, indicates that the artist's impression was on target. "I have a secret way of polishing the brass which I won't tell," he says. "You do it nice and soft. Then when you step back and look at it, it makes you proud; you get a good feeling." Bernard is a North Carolina high school graduate. Had there been funds he had planned college. He is married, the father of **James,** 8, and **Felicia Michelle,** 7. Another sibling is expected soon.

*Cover photo.

INSIDE THE "UNITED STATES REPORTS"

Professor Roy M. Mersky of the University of Texas at Austin, co-author of "The First One Hundred Justices",* and a Court minutiae buff, has combed the first 425 volumes of the U.S. Reports for an interesting article for the Law Library Journal. Working with Christy B. McCrary, teaching quizmaster at the University of Texas School of Law, Professor Mersky has found more than 130 items, many of them several pages long, containing biographical material about Justices. Sandwiched in among the Court's Opinions, these items often were published in connection with the death or retirement of a Justice; some other personal milestones also provided materials.

Using the key to the volumes provided by the two researchers, these are some of the items you can find on the shelves of U.S. Reports:

CHIEF JUSTICE JOHN MARSHALL

Material about Marshall occurs in the books over a span of three-quarters of a century. In number 35 (Peters 10) under the rubric "Rules of Court", there is a tribute **Mr. Justice Story** paid on January 12, 1836 to the then recently deceased Chief Justice. He said:

"We who have been the witnesses and companions of his judicial labors cannot but feel the desolation which has visited us. . . . This hall will never again be honored by his presence. But so long as it shall remain devoted to the administration of public justice, so long will it preserve the best records of his fame. . . . The judges will wear crape on their left arms during the Term. . . ."

Volume 112 in 1884 reports on the dedication of the Marshall Statue at the foot of Capitol Hill. **Chief Justice Waite** said of his predecessor:

"The court had been in existence but eleven years, and in that time less than one hundred cases had passed under its judgment. . . . (Marshall) was a giant among giants".

The 100th anniversary of Marshall's arrival on the Court (February 4, 1901) filled pages of the U.S. Reports (volume 180) with reminiscences about him. One long quote was from the February 1836 issue of the Southern Literary Messenger. The author mentioned a visit to proceedings of the Quoit Club of Richmond, a group founded in 1788 by thirty members. By 1829 John Marshall, at seventy-five, was the club's sole surviving founder.

In a Richmond, Virginia, ceremony, reported in volume 180, **Mr. Justice Gray** told of a dinner party at the home of a Boston merchant at the time when the speaker was Chief Justice of Massachusetts. A fellow guest was a Mr. Bartlett who was then considered Massachusetts' foremost lawyer as well as one of the most prominent members of the United States Supreme Court bar. The Justice recalled:

"In the course of the dinner, the host, turning to me, asked 'how great a judge was this Judge Marshall of whom you lawyers are always talking?' I answered; 'the greatest judge in the language'. Mr. Bartlett spoke up, 'is that not rather strong, Chief Justice?' I rejoined, 'Mr. Bartlett, what do you say?' After a moment's pause and speaking with characteristic deliberation and emphasis he replied, 'I do not know but you are right'".

For an insight into how Marshall thought and acted, Justice Gray quoted a letter Marshall sent Mr. Justice Story June 11, 1829, explaining why he agreed to serve in the Virginia constitutional convention of that year:

"I am almost ashamed of my weakness and irresolution, when I tell you that I am a member of our convention. I was in earnest when I told you that I would not come into that body, and really believed that I should adhere to that determination; but I have acted like a girl addressed by a gentleman she does not positively dislike but is unwilling to marry. She is sure to yield to the advice and persuasion of her friends. . . ."

For still another glimpse of Marshall, the Justice added:

"Marshall was, like Lord Camden and other eminent judges, a great reader of novels. On November 26, 1826, he wrote to Mr. Justice Story that he had just finished reading Miss Austen's novels and was much pleased with them, saying: 'her flights are not lofty, she does not soar on eagle's wings, but she is pleasing, interesting, equable and yet amusing'"**

MR. JUSTICE THOMAS TODD

Richard Peters in 38 of the U.S. Reports (Peters 13) mentions that he had long wanted to run an obituary of Mr. Justice Thomas Todd who had died thirteen years earlier, in 1826. Thanks to help from an unidentified "valued judge and friend" of the late justice who had "shared his high official labors", copy, he said, was finally in hand. A modern editor might have deemed the article a bit too late but as Reporter of Decisions Mr. Peters governed and the tribute ran. Included was this information:

When Justice Todd started law practice in Kentucky "his horse, saddle and bridle and thirty-seven and one-half cents . . . constituted his whole means". By the end of the first term of the court before which he was pleading "he had made enough to meet his current expenses". In the course of a lifetime during which he served for a while as chief justice of Kentucky, Mr. Justice Todd took as wife "the widow of Major George Washington, . . . the youngest sister of Mrs. Madison, wife of the late President". Peters 13 commented that as a Justice Mr. Todd "was not ambitious of innovations upon the settled principles of the law; but was content with the

(Continued on next page)

TO THE EDITOR

"The current issue of the Docket Sheet (September 1978) includes your interesting article 'The Court in Paintings", concerning the work of Mrs. Betty Wells. I would like to inquire into the possibility of bringing a showing of Mrs. Wells' work on the Supreme Court to the Grinter Art Gallery at the University of Florida". Jere H. Hudson, Assistant Dean, Law School, U. of Florida, Gainesville.

"Congratulations on doing so well in the National Association of Government Communicators awards competition. I am sure your publication will serve as a standard for other agencies". Blake Lange, printing graphics specialist, Federal Election Commission.

"As a retired . . . employee, I enjoy keeping informed thru the Docket Sheet". **Genevieve E. Howell**, 11656 South Jokake Street, Phoenix.

U.S. REPORTS—Continued from page 3

more unostentatious character of walking in the trodden paths of jurisprudence: super antiquas vias legis".

EDWIN M. STANTON***

Wallace 8 (U.S. Reports 75) took note of one man who never ascended to the Bench. Appointed and confirmed, he died before taking the oath. In an address to the Court on January 17, 1870, Attorney General Ebenezer Hoar felt called upon to discuss whether the late nominee had been of a choleric disposition:

"It is said that his manners were sometimes discourteous and offensive. Who can wonder that that worried and overburdened man, with such pressures on brain and nerve, was sometimes irritable and unceremonious in his intercourse with shirking officers and peculating contractors, and the crowd of hungry cormorants and interminable bores who perpetually sought access to him; and sometimes, confounded with such, those who deserved better treatment?"

MR. JUSTICE FIELD

When Mr. Justice Field retired in 1897 after thirty-four years service, the octogenarian recalled:****

"When I came here the country was in the midst of war. Washington was one great camp, and now and then the boom of cannon could be heard from the other side of the Potomac. But we could not say 'inter arma silent legis'. This Court met in regular session, never once failing in time or place, and its work went on as though there were no sound of battle. Indeed the war simply added to the amount of litigation here . . . . Few appreciate the magnitude of our labors . . . . the volumes of our reports show that I alone have written 620 opinions . . . ."

CHIEF JUSTICE FULLER

Volume 218 of the U.S. Reports includes a poignant item. It quotes Chief Justice Fuller***** commenting on the occasion of the death of **Mr. Justice Brewer** that it had been his sad duty to commemorate many others of his brethren through the years: "As our Brother Brewer joins the great procession, there pass before me the forms of **Matthews** and **Miller**, of Field and **Bradley** and **Lamar** and **Blatchford**, of **Jackson** and Gray and of **Peckham"**. The Chief Justice added that "when the unexpected intelligence (of the Brewer death) was conveyed to me I could not but think of Mrs. Barbauld's poem on 'Life': "Life, we've been long together . . . . steal away, give little warning, say not good night but, in some brighter clime, bid me, good morning'".

The Chief Justice spoke on May 31, 1910. The drama was in a footnote: "These remarks were delivered on the last day that Mr. Chief Justice Fuller presided over the court. October Term 1909 adjourned the same day, and the Chief Justice died . . . July 4, 1910".

MR. JUSTICE HOLMES

Volume 260 includes a thank you note from Oliver Wendell Holmes of January 12, 1932, thanking the Court for a salute to him on the occasion of his retirement. In addition there is a letter from President Hoover. The Justice wrote:

"My dear Brethren, you must let me call you so once more. Your more than kind, your generous, letter touches me to the bottom of my heart . . . . For such little time as may be left to me I shall treasure it as adding gold to the sunset."

The President said:

"No appreciation I could express would ever feebly represent the gratitude of the American people for your whole life of wonderful public service from the time you were an officer in the Civil War to this day— near your ninety-first anniversary".

The Docket Sheet, June 1978.

**Jane Austen, 1775-1817.

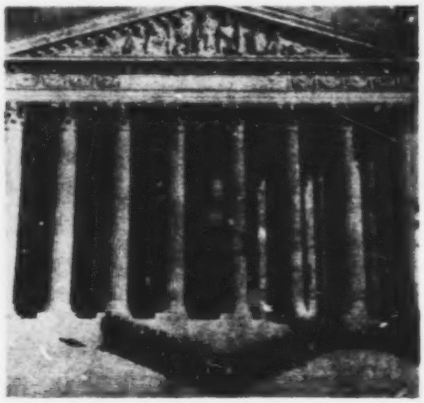
***President Lincoln's Secretary of War.

****168 U.S. Reports

*****Author of the custom that each Justice shake the hand of each of his brethren before the Conferences and before going on to the Bench.

NEXT ISSUE: THE LIBRARY STAFF

Yesteryear in the Docket Sheet



April, 1963, (Here is) a new picture of the Court's Police Force in front of the Building. (It is) by **Bob Higbie**.

Library

Supreme Court of the United States

By **Sharron Fitzgerald**

Among books of interest:

FEIN, Bruce E. Significant decisions of the Supreme Court, 1976-1977 Term. American Enterprise, 1978.

LEWIS, Peter W. and Kenneth D. Peoples. The Supreme Court and the criminal process. Saunders, 1978.

MARQUARDT, Dorothy A. A guide to the Supreme Court. Bobbs-Merrill, 1977.

TEN THOR, Mary. Bakke Symposium. Uncommon Lawyers Workshop, 1977.

SUGGESTION

With the recent Christmas party a warm and happy memory, why not begin planning now for the 1979 Yuletide celebration? Do you have program ideas, skits and so forth? Share them, with the Chambers of **Mr. Justice Rehnquist** on extension 23101.

THE JUSTICES

The **Chief Justice** was recipient of the annual Fordham University Stein award for distinguished contributions to law and justice in this country. The President of Fordham, bestowing the award, said that the Chief Justice had authorized him to announce that the $7,500 cash award would be contributed to justice—and law—related institutions. Judge Eric Stockdale, president of the British Society of Criminology, gave the "1978 Chief Justice Burger Lecture" at the American University Law School.

Mr. Justice Marshall lectured at Howard University.

Mr. Justice Stevens addressed a luncheon of the National Legal Aid and Defender Association, held in conjunction with the National Clients Council.

Justices attended the unveiling of the bust of **Mr. Justice Douglas** at the head of the ground floor center aisle just below the Courtroom entrance. Justice Douglas and Mrs. Douglas attended the brief ceremony.

The University of Alabama has established an annual award in the name of **Mr. Justice Black,** a five-inch bronze medallion in bas relief encased in a walnut box.

Stanley N. Katz is the new co-editor of the 11-volume "The History of the Supreme Court of the United States," a project stemming from the bequest made in the will of **Mr. Justice Holmes** who died in 1935. The volumes are intended to be definitive. A former assistant professor of history at Harvard, Mr. Katz became associate dean of the Chicago U. law school in 1970.

QUOTATIONS

"The supremacy of the law is the foundation rock upon which our institutions rest", **Mr. Justice Harlan** in the Northern Express Company v. Washington, 193 U.S. 197,350.

"There is no such thing as an achieved liberty; like electricity, there can be no substantial storage and it must be generated as it is enjoyed, or the lights go out", **Mr. Justice Jackson,** 39 American Bar Association Journal, 962 (1953).

Happy Birthday

In January to **Mr. Justice Stewart** on the 23rd.

Also in January to:

1	Roger Jacobs
	David Sims
	Albert Lauber
2	Betty Clowers
5	Mary Ann Sust
8	Jeffrey Morris
9	Ralph Taylor
10	Lyle Evanoff
13	Manie Mundey
	James Zagami
15	Sylvia Lyles
16	Odessa White
18	Jessie White
22	Kevin Ferguson
	Emily Porter
25	Sun Hoe Ku
	Sandy Dorsey
	La Christa Jones
26	Vonzelle Lewis
	William Guiles
	James Boisture
27	Jane McHale
	Louise Covington
	Carolin Pride
	Nicholas Spaeth
29	Deborah Rhode
30	William Brannon
31	Ginny Egelston

And in February to:

1	Bernice Turnipseed
2	June Hoffmann
	Joseph Stotesbury
3	Ed Faircloth
6	Louise Graves
8	Willie Hamilton
9	Robert Chase
	Daniel Marconi
	Mathew Hawkins
10	Akiko Lloyd
11	Charles Akins
13	Tim Moore
14	Dane Hawkins
15	John Sharp
20	Joseph McFalls
21	Robert Mayer
	Anna Podva
22	Bettie Claude
	Evelyn Anderson
26	Charles Johnson
	Beth Cooper

BACK OF THE BOOK FROM AROUND THE BUILDING

CURATOR

Be sure to take a good look at the **John Jay** exhibit **Gail Galloway** and **Susanne Owens** set up December 11 in the ground floor west entranceway with the help of many on **Ed Douglas'** staff including **Phil Wood, James Kerr, Sun Hoe Ku** and **Frank Howarth.**

December 10, 1978 was the 200th anniversary of Jay's presidency of the Continental Congress. As Professor Irving Dillard has noted in his essay in "The Justices of the United States Supreme Court" the year 1778 was an especially difficult one for the new nation; Jay's position was, in effect, that of national president. The future first Chief Justice of the United States wore an additional hat that year for he served simultaneously as Chief Justice of the Supreme Court of New York. Jay was only thirty three. His selection for the Continental Congress presidency was the prelude to other major national assignments which followed in short order: within a year he was Minister To Spain, seeking help for the newborn country, and, in 1782, he was a Joint Commissioner in Paris negotiating the peace treaty with Britain.

A score of institutions and individuals contributed to the exhibit including the rare book and manuscript library of Columbia University and the John Jay Homestead at Katonah, New York. Included are these:

The original manuscript of one of the Federalist Papers written by Jay. (Out of about eighty of these Papers, written by Jay, Hamilton and Madison, only a half a dozen survive, including the one on exhibition. It was these Papers which received the credit for the ratification of the Constitution).

The peace treaty with Britain ending the Revolutionary War (with Jay's signature showing), and the Jay Treaty of the mid-1790's which helped postpone the War of 1812.

Correspondence of Jay including one letter from Cadiz in 1780 suggesting a diplomatic code for the newborn States (XVI to mean Massachusetts), Jay's notes on talks with Benjamin Franklin as the two worked on the 1783 peace treaty with England, and incoming mail from Mrs. Jay including shopping lists and a mention that "I dined with . . the Marquis de Lafayettes".

Not to be missed are Jay's infant cradle with its mention that "John Jay slept here", and a bottle of Madeira Jay labelled in his own hand and marked with his seal. (It is still three-quarters full after 180 years.)

One permanent addition to the Court's collection has come from Gail Galloway's contacts with Jay descendents, seeking items for the exhibit. The late **Mrs. John Jay Pierrepont** was so intrigued with the focus of the Court's historical exhibits that she bequeathed on 1884 copy of Gilbert Stuart's portrait of Jay to the Court.

Gail continues her search for memorabilia of past Justices. The Court now has a book of letters of **Mr. Justice Cardozo** to his friend, Dr. Iago Galdston, and numerous items of **Chief Justice Hughes** including his official commissions and his silver tea set.

Before coming to the Supreme Court Susanne Owens, the Assistant Curator, was Curatorial Assistant at the Washington County Museum in Hagerstown. A graduate of Bennington, she has an MFA from Syracuse.

MARSHAL

By **Al Wong**

Do you have extra energies you would like to put to use? The Volunteer Action Centers (333-0455 in Washington) tell us that they can make good use of offhour efforts of almost every sort. They need volunteers to teach, drive, type and assist on case work, to serve as aides to the handicapped on probation, medical, recreational and theater assignments, to pitch in as big brothers and sisters and to provide telephone assurance. The list goes on and on.

LIBRARY

Martin Manning retired from his post as Acquisitions Librarian after serving the Court 24 years. **The Chief Justice** presented him with a framed Certificate of Service at a reception in his honor November 9 . . . . **Librarian Roger Jacobs** served in early November as a consultant to the Washburn U. (Topeka) School of Law . . . **Vincent Burke** attended a seminar on "Utilizing Washington's Resources".

PERSONNEL OFFICE

By **Jim Powers**

How to use time most effectively was the subject of a seminar many employees attended here November 9 and 10. Conducting it was Ed Bliss, author of "Getting Things Done: the ABC's of Time Management" (Scribners). . . . Are you a candidate for a master's degree in human resource studies? George Washington U. has a weekend program for those concerned with employment policy, employee development and the management of human resources. Classes are on Fridays from 6:30 p.m. to 9:30 and on Saturdays from 9 a.m. to noon and 1 to 4. Hal Severn at 676-7028 has details.

POLICE

By **Beth Cooper**

October brought us 37,856 visitors, the greatest number for that Fall month in the past three years. It was also the largest number since August though it did not match that month's Summertime flood of 53,085 callers. There were 7,000 more visitors this past October than there were during the same month in the bicentennial year.

MORE PEOPLE

Virginia Egelston, fifteen years at the Department of Justice, is the new secretary in the chambers of **Mr. Justice Stewart**. . . . **Michael Avakian** of the Library circulation staff will be sworn in January 5 as a member of the Georgia Supreme Court bar, and also as a member of the bar of the United States District Court for the Northern District of Georgia . . . . **Henry Putzel** lectured on the work of his Reporter of Decisions staff at the Louisiana State University law center. An exhibit traced the work of the thirteen Reporters of Decisions from the time of **Alexander Dallas** in 1790 to the present. Asked how he and **Henry Lind** reduce scores of pages of Opinions to three or four, straining to preserve all of the essence, Mr. Putzel replied: "it's a little like jewel cutting".

JUDICIAL FELLOWS

Selection of at least two Judicial Fellows for the 1979-1980 period is now in the final stages in a committee including former Solicitor General **Erwin N. Griswold, Roger M. Blough,** former President of the Institute of Judicial Administration, Professor **George A. Graham,** former Executive Director of the National Academy of Public Administration, **Christopher F. Edley,** Executive Director of the United Negro College Fund, **William E. Foley,** Director of the A O, **A. Leo Levin** and **Judge Walter E. Hoffman,** Director and Former Director respectively of the Federal Judicial Center, **Elizabeth Hughes Gossett,** president of the Historical Society, and **Mark Cannon.** Finalists in the competition will visit here January 4 and 5.

MEDICAL UNIT

By **Sarah Hall R.N.**

Do you smoke? There are many good reasons not to do so. The American Cancer Society estimates that eighty percent of lung cancer is caused by cigarette smoking, and that one third of the cancer deaths among men and one-eighth of those among women are the result of lung cancer. Cigarette-related illness, the society calculates, accounts for ten percent of the annual national health bill of $122 billion. There are a variety of ways to "kick the habit" but "cold turkey" is what has worked for nine out of ten of ex-smokers. Given a ten-year interlude an ex-smoker has the same life expectancy of one who has never smoked.

SPORTS

Sergeant Warren Andrews and **Officer Mickey Boteler** (a pro) challenge all comers under the Supreme Court roof to tennis doubles. So far in contests here extending to the highest reaches the two officers have a record of 48 wins and only 14 losses.

ALUMNI

Professor Paul Baier, here as a Judicial Fellow during the 1975 Term and one of those who narrate the ground floor film on Court practices, is the author of "The Pocket Constitutionalist", a 43-page pocket book summing up the findings in a similar number of Court Constitutional cases. The book is the product of assignments Paul gave his Louisiana State University law class. Paul says that one student was stunned at the task she drew: to provide a one-page summary of the Dred Scott Decision (241 pages in the U.S. Reports). She managed . . . .

Among the Judicial Fellow Alumni **Judith C. Chirlin** is lecturing at the University of Southern California law center, **C. Edward Good** is at the U. of Virginia as associate director of a Master of Law program for state and federal appellate judges, **Jack R. Buchanan** is an associate professor in management control at the Harvard Business School, and **Donald W. Jackson** is chairman of the political science department at Texas Christian U. . . . **Kristine Keller,** formerly of the Public Information Office, has completed her master's studies and is off to Alaska . . . . **Julia Boggs,** who has catered many dinners here at the Court, was the subject of a feature in the Post, describing her catering service, and mentioning that **Mary Atkins,** former head housekeeper of the Court, is Mrs. Boggs' collaborator. . . . **Patricia A. McQuater,** a former messenger is a graduate now of the San Diego law school.

VISITORS

Among recent visitors were foreign service officers of the International Communication Agency (ex-USIA), home for a refresher period after service variously in Ankara, Bonn, Garmisch, Moscow, New Delhi, Calcutta, La Paz, Tegucigalpa, Togo, Conakry, Quagadougou, Addis Ababa, Dakar, Shanghai, Madras, Rangoon, Maracaibo, Cordoba, Madrid and Kaousiung (Taipei). . . Among the callers was Mr. Justice Abdur Rahman Choudhury of the Bangladesh Supreme Court.

AD CORRIGENDUM

In listing pioneer women law clerks in the December 1978 issue the Docket Sheet inadvertently omitted **Barbara Underwood,** law clerk to **Mr. Justice Marshall** during the 1971 Term. She was the fifth woman law clerk in Court history and a forerunner to the eighteen who have followed.

HISTORICAL SOCIETY

2ND CHI
JOHN RUTLEDGE

EARL WARREN
1969

The Supreme Court Historical Society, continues busy with many support projects:

The Society's stand at the front entranceway of the building now offers commemorative bronze medallions of the two most recent and the two earliest Chief Justices. The medals have been designed and struck by the United States Mint. With the recent addition of medallions of **John Rutledge,** Chief Justice in 1795, and of **Earl Warren,** the fourteenth Chief Justice, the Mint is considering gradual completion of the series.

(The medals — see photos on this page — were designed by sculptor-engravers of the United States Mint in Philadelphia. Michael Iacocca did the Warren medallion and Edgar Steever that of Chief Justice Rutledge. The medals are of antique bronze, three inches in diameter. In addition to sale by the Historical Society, they are available at the Main Treasury Building, at the Old Mint in San Francisco and at the Mints of Philadelphia and Denver.)

The Historical Society will complete the series of busts of Chief Justices in the Great Hall of the Court. It has commissioned the copying of busts of two of the dominant figures of early Court history: John Jay, the first Chief Justice (1789-1795), and **John Marshall,** the fourth in the series (1801-1835). The same procedure will be followed as in the case of Walker Kirtland Hancock's bust of Earl Warren. The designated sculptor will do a plaster bust which, after approval, will be sent to Italy for completion in white marble.

Deans of 164 law schools have been informed of the Society's work. With chapters of the Society now in existence on five campuses, students make up one-sixth of the Society's membership.

The Society has appointed a Constitutional bicentennial planning committee with Dr. Richard Morris of Columbia University, past president of the American Historical Society, editor of the John Jay papers (and father of **Jeff Morris**) as chairman. Dr. Morris and others associated with him are keeping an eye on a whole series of 200th anniversaries associated with the national birth and due to be celebrated in the years just ahead: 1981, bicentennial of the victorious conclusion of the War of Independence, and ratification of the Articles of Confederation; 1987, 200th anniversary of the Constitution; 1989, bicentennial of the Presidency and of the creation of the Supreme Court; 1990, 200th anniversary of the first sitting of the Supreme Court; 2000, second centenary of the federal government in Washington.

The fourth in the series of Historical Society yearbooks has gone to the printers. It has been prepared under the direction of an editorial committee including Professor William Swindler, Jeff Morris, Mary Beth O'Brien, Merlo Pusey, Melvin Payne, Francis Rosenberger, **Mark Cannon,** and David Mearns. The issue will carry a picture of **Chief Justice Salmon P. Chase** (1864-1873) on the cover and will include articles on early Indian cases by Rennard Strickland of Tulsa, a Cherokee, and on the **Brandeis** nomination fight by Melvin I. Urofsky, editor of the Brandeis letters.

Alice L. O'Donnell, of the Federal Judicial Center, formerly here on the staff of **Mr. Justice Tom Clark,** and Melvin M. Payne, chairman of the National Geographic Society, have been added as members of the Society's executive committee.

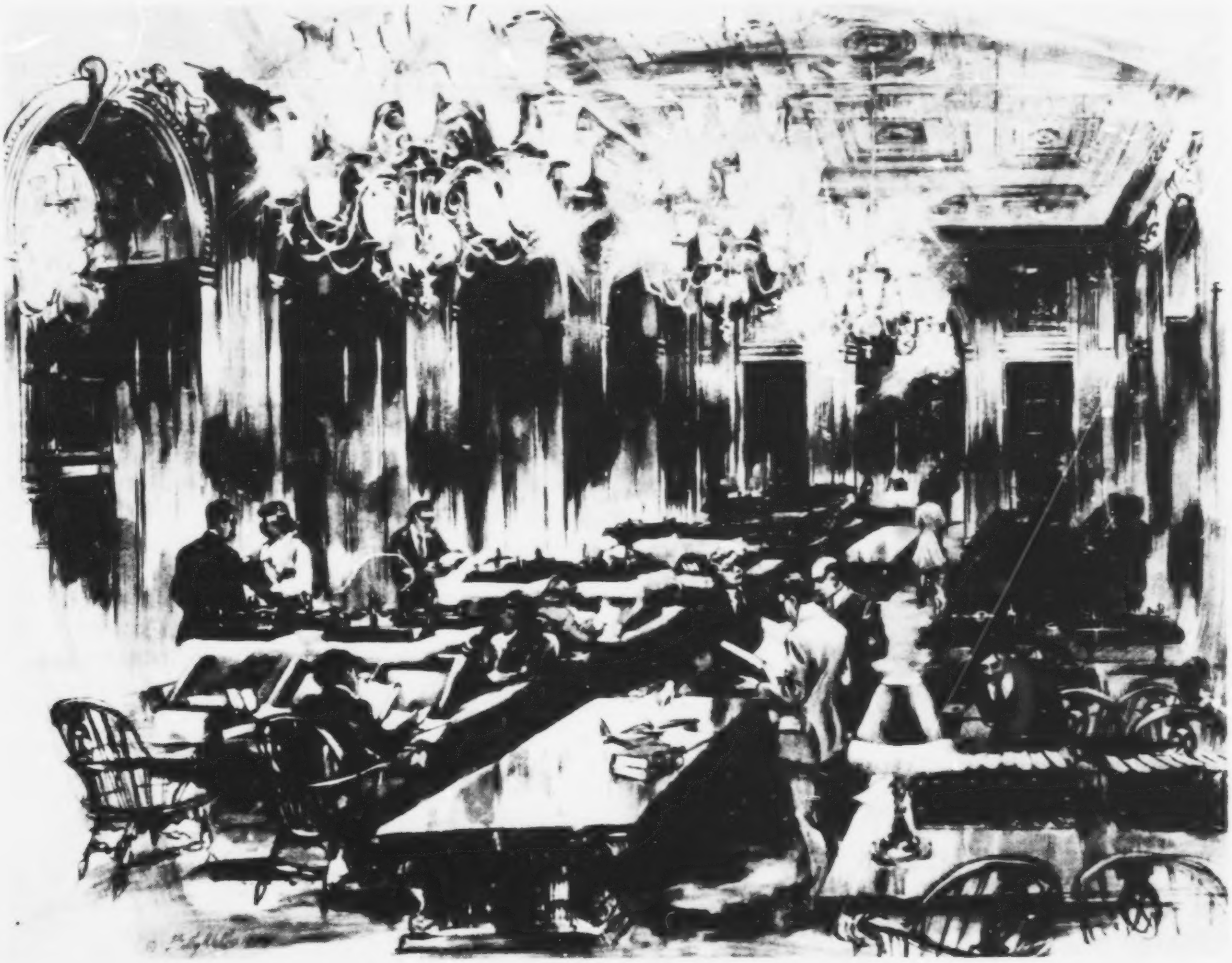
LIBRARY ISSUE

The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 16, NUMBER 2

MARCH - APRIL 1979



THE LIBRARY

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(See Pages 2-4)

THE LIBRARY

The past year under the new Librarian, **Roger F. Jacobs**, has been a lively one for the Court's book collection and research center.* **William T. Carroll**, who doubled as Clerk and Librarian when the Court acquired its first library in 1831 (2,011 law books), would be astonished at the operation Mr. Jacobs now oversees.

There are 250,000 volumes in the Library, 125 times as many as Mr. Carroll supervised. Some six thousand of these were added during the past 12 months.** Even with the addition of more than a mile of extra bookshelves during the past year or two (space for 17,460 extra books), the Library is now at capacity. With twenty volumes or so being added every calendar day to keep the Library current, a weeding process has begun. During last Summer alone 7,000 books were removed from the shelves to make way for more valuable materials.

PHOTO—SIMS

ROGER JACOBS

The quarter of a million volumes in the Library consist largely of primary legal materials. Also included are associated legal search tools, legislative documents and selected secondary materials.

Where the Library should go from here is a matter attracting much of Mr. Jacobs' attention. Weeding, of course, will have to continue, but miniaturization of the Court's important collection is another attractive route. Little-used bulky items could be compacted into five percent of the space now occupied. The technology is available to permit the quick printing of good quality full-size reproductions of the original pages of such microform materials.

To anyone with a home library of a few hundred paperbacks and hardback books a quarter of a million sounds like an immense literary resource. In fact during the past year the research staff under the direction of Assistant Librarian **Michael Gehringer** was able to answer just over four-fifths of the queries from the Chambers and from elsewhere in the building by means of our own collection (6,191 out of 7,660 queries received.)

Even so there were occasions five times on every calendar day when the Library had to hunt elsewhere. The Library of Congress across East Capitol Street came up with 1,163 of the extra answers (Just over 15 percent of the total), and other sources such as Lexis (the nationwide legal data bank), the New York Times Information Bank and FLITE (the Air Force's Federal Legal Information Through Electronics service) pieced together the rest As time goes on electronic data retrieval may well prove the most practical way to obtain the quick, precise information needed. This has been the experience of many other public and private institutions. Some of the hardware is already installed in the Library.

To meet the multiple requirements which weigh on his force Mr. Jacobs has reorganized the staff into three sections: circulation, research and technical services. It has been a busy year for all three. The messengers on the Library staff, under Assistant Librarian **Robert Higbie**, made 3,500 runs during the past year, ten a day the year round, most of them inside the building but 429 to the Library of Congress and elsewhere outside. On the average, five books were borrowed from Congress' great collection each calendar day. The photocopy machine in the Library was rarely inactive. During the year it turned out 132,740 pages or about the equivalent of one or two full books each day. The Library is closed except to the staff, members of the Supreme Court bar, Congressmen and few others but, even so, 2,637 visitors came by making demands on Library staff time.

The task of the technical services under Assistant Librarian **Sharron FitzGerald** is to obtain new books and other materials, cataloguing them for easy retrieval. Until now the book ordering section was on the second floor several hundred feet— as a book travels—from the cataloguing section, while the catalogue itself was on the floor above. The first two have been regrouped more efficiently within easy reach of one another inside the third floor special library. During the past year the section logged in 24,000 serial items (periodicals, looseleaf services, supplements to major treatises and encyclopedias and so forth), plus the approximately 6,000 new volumes. In addition, the FitzGerald staff supervised the routing of 600 items of mail each month.

Library purchases during the year came to $106,000. Most of that was for state and federal primary materials ($59,000) while another $41,000 went for periodicals and other services and continuations. Only $6,000 was for new books.

Continued on next page

COVER BOX

The cover photo reproduces Mrs. Betty Wells' impression of the main room of the Library, on the third floor. The original is on view in the main corridor of the first floor. The painting is one of 200 acrylic depictions of Court scenes done by the painter during the past year. Many were shown on NBC-TV for whom Mrs. Wells works as a court artist.

When you consider that all but eighteen of the 160 American law schools had a bigger book budget during the year you can see that Mrs. FitzGerald's staff had to choose what they purchased with care.

If the proverbial rainy day should come and Librarian Jacobs could assign an additional task to be accomplished with the help of the personnel and facilities available, he knows what the job would be. He is fascinated by the many thousands of volumes in the Court's special collection (including some law volumes hundreds of years old in a group of 23,000 assembled by Elbridge T. Gerry, a 19th century bibliophile***). Mr. Jacobs would like to inventory these properly perhaps to use them as the core of a section aimed at the needs of judicial history scholars.

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* See also "The Librarian", November 1976 Docket Sheet.

** Of these 6,049 are bound volumes including cert petitions; 424 are new titles.

*** He is known in part to philological history as the lawyer who lent his name to the word "gerrymandering".

. . . AND THE LIBRARY STAFF

Years spent as students or as faculty members on the campuses of a score of colleges and universities and travels to the far side of this planet have gone into the personal formation of the Court's Library staff.

Roger Jacobs, the seventh in the line of Court Librarians*, has three degrees, two from the University of Detroit in his native city (A.B. 1962, J. D. 1970), and an A.M. in Library Science from the University of Michigan (1964). He was Law Librarian in his undergraduate alma mater from 1962 to 1967 and served on the faculty of two other campuses after that, U. of Windsor, Ontario, 1967-73, as law librarian and professor of law, and Southern Illinois U. (similar positions, 1973-77). Mr. Jacobs is a member of the executive board of the American Association of Law Libraries and is past president of the Canadian and mid-American associations of law libraries. He became Librarian in January, 1978.

Associate Librarian **Betty Clowers** has degrees in law, library science and business administration. Except for 1968-71 when Mrs. Clowers was on the staff of the Congressional Research at the Library of Congress she has been with the Library since 1962.

Bob Higbie, Assistant Librarian for Circulation Services, has been a Washingtonian since 1942 when his family came from Toledo, Ohio. He was a page here from 1943 to 1947 and has been with the Library since (with two years out during the Korean War during which he served in the Navy). Bob picked up his Associate degree from American U. in 1958 and his B.S. in 1962, acquiring both at night. He is married. A daughter is in college.

Others in Circulation include:

Ruth Billingsley. Originally from Tampa, Florida, she worked at Treasury and has been here at the Court since 1964, the first dozen years of it as a telephone operator.

Steve Bennett. Born here, he joined the Library staff after completing studies at Dunbar High School in 1966.

Ollie Jackson. A South Carolinian, he came here in 1968 after working for a while at the Walter Reed Army Medical Center.

Kenneth Richardson. Another from South Carolina, he joined our labor force in 1972, switching later to the Library. He is a junior at the University of the District of Columbia majoring in criminal correction. He has the karate yellow belt, is married and has a son.

Eileen Gallant. She is from Methuen, Massachusetts. A graduate of the U. of Massachusetts at Amherst, she is at work on her master's in library science.

Michael Avakian. A new addition to the staff, Mr. Avakian has a B.A. (1975) from St. Lawrence U. and a J.D. (1978) from the Potomac School of Law. The New York capital is his hometown. He came here from the office of the chief counsel of the federal income tax.

RESEARCH

Michael E. Gehringer**, Assistant Librarian for Research, has just completed the J.D. requirements at Catholic U., his third degree. He and his wife, Suzanne, are the parents of Alison, 3, and Kate who is one-half year old.

Vincent Burke. In the Library for the past four years doing general legal research, operating the Lexis retriever, compiling legislative histories, and handling similar assignments, he did undergraduate work at Cornell, has completed studies for an M.L.S. at Catholic U. and is midway on a law degree from George Washington University.

PHOTO—SIMS

VINCENT BURKE

Mrs. Patricia Evans. Courtesy of the United States Army and a student exchange program she has firsthand knowledge of Japan, Hong Kong, Thailand, Australia, New Zealand and Hawaii. Her husband is Richard Evans, an attorney in the criminal division of the Department of Justice. Their young Rick was 2 on January 10. Mrs. Evans has a B.A. in

Continued on next page.

TO THE EDITOR

"**Mr. Putzel** was a smash hit when he visited the Louisiana State University Law Center*. He lectured on the work of the Reporter of Decisions with such grace, wit and learning that he won the affection of the entire law faculty and a good 200 law students", **Professor Paul Baier**, Baton Rouge.

*Docket Sheet, January 1979.

"As a former clerk for **Justice Blackmun**, I have enjoyed reading the Court newsletter very much", **Karen Nelson Moore**, Lakewood, Ohio.

LIBRARY STAFF. . .

Continued from page three

international relations from the University of Minnesota, an M.S. in library science from Catholic U. and is at work on a Ph. D. in American studies from George Washington. She has been in the Library since 1973, following work for the Per Diem Committee of the Secretary of the Army, and also at the National War College Library.

PHOTO—SIMS

SARA SONET

Sara Sonet. Ballet, children's literature and volunteer work as an Arena Theater usher are her off-hour interests. She has a B.A. in English Literature from Northwestern, an M.S. in library science from Catholic U. and has done graduate work in special education at the U. of Virginia. She has been in the Library since 1974.

TECHNICAL SERVICES

Sharron FitzGerald, the director, has been here for the past five years. She has a B.A. from George Washington in Latin American studies, and a Master's in library science from Catholic U.

Jean Sartwell. D.C.-born, she has been at the Court since 1942. An honor graduate in business from the Temple School of Business, she has a B.A. in English literature from American U. and a graduate degree in library science from the Drexel Institute of Technology.

Constance D. Murphy. Another D.C. native, she is a newcomer to the staff, serving as an acquisition technician. She has a B.S. in business administration from St. Joseph's College in Indiana, and has worked at the GPO, the Departments of Commerce and of the Army, and at the American Bankers Association.

Another who joined during the past year is **Kim Anne Halyak**, 22, of Mars, Pennsylvania, who has a B.S. in special education from California State College in California, Pennsylvania.

Judy McCullough. Here at the Court for just over a year, she transferred in 1978 from the Marshal's staff to the Library.

PHOTO—SIMS

ED RUF

The Assistant Librarian for Sepcial Collections is **Ed Ruf** who sees to the binding of records and briefs and maintains the 18,000 volumes now in that collection, the Court's official record of the cases which have come here. Ed came to the Library in June, 1945, worked here four months, transferred to the AO for five years, and has been back here since 1949.

Secretary to the Librarian is **Emily C. Porter**. She has been at the Court six years and, before that, was in various other areas of public service for an additional thirteen years (the D.C. city government, and the Departments of the Interior and of the Army.) She has taken career development courses at the Department of Agriculture Graduate School, at the Departments of the Army and of the Interior, and at the Prince Georges Community College and, recently, attended an administrative assistant seminar at the Katharine Gibbs School of New York.

* See Docket Sheet, February 1978.

** Docket Sheet, September 1978.

ALUMNI

Professor A. E. Dick Howard,*who is at work on a book on the "Burger Court", lectured at the Smithsonian's Woodrow Wilson Center on "the states and the Constitution: emerging judical themes". . . . **Ken Ripple**, the first legal officer of the Court, carried a heavy first year schedule as a Notre Dame professor, lecturing on Constitutional Law, Constitutional litigation, federal courts and conflicts of law . . . .**Susan Goltz**, another former legal officer of the Court, has found the pace in her Washington firm (Chapman, Duff & Paul—nineteen lawyers) frenetically busy.

*Law clerk for Mr. Justice Black, 1962-1964.

NEXT ISSUE: HENRY PUTZEL

HISTORICAL SOCIETY

Seven law schools now have student chapters of the Historical Society.* The two newest are the **Charles Evans Hughes** chapter at Villanova and the **Edward Douglass White** chapter at Louisiana State U., both of them honoring the memory of Chief Justices. Chief Judge Edward D. Re of the United States Customs Court in New York City is chairman of a committee working to establish further student subsidiaries. He has current plans for two more in the Philadelphia area.

A first act of the LSU chapter was to visit the White family plantation in Thibodaux, Louisiana. The Chief Justice's father, Edward, a governor of Louisiana, grew sugar beets on a 1,700-acre property. Chapter organizers arranged also for a meeting at the statue of Chief Justice White at the Louisiana Supreme Court in New Orleans.

An article in the Numismatics column of the New York Times may stimulate Historical Society sales of the three-inch bronze commemorative medal of **John Rutledge,** one of four such Chief Justice medals so far struck off by the United States Mint. The article by Russ Mackendrick made these points:

Although Rutledge of the fourteen Chief Justices of the past may be "the name furthest from being a household word" he deserves far better as a founder of this country. He was president of the Republic of South Carolina 100 days before the Declaration of Independence. He prepared the South Carolina constitution which foreshadowed the Constitution of the United States and he was leader of the five-man drafting committee which wrote the U.S. Constitution in ten days, July 26 to August 4, 1787. According to Richard Barry, the Rutledge biographer, "only one man was present at every session (as the Constitution was written) — John Rutledge".

Rutledge presided over two sessions of the Court after George Washington nominated him in 1795 but after Rutledge's bitter denunciation of the Jay Treaty of that year (a treaty seen as injurious to the economic interests of South Carolina), the Senate confirmation vote on the new Chief Justice went against him, 14 to 10. In Barry's view three men were indispensable to the American Revolution: George Washington, Samuel Adams and John Rutledge.

*For other chapters see the Docket Sheet, September 1978.

Yesteryear in the Docket Sheet

April, 1966. "Research this month on when the tradition of 'Decision Mondays' began, showed that the practice became a fixture in about the December Term, 1857. A search of the minutes by the Clerk, **John F. Davis,** revealed that the tradition more or less 'grew up', and that it began with no precise date, announcement or Rule change. Recently it was announced that decisions may be announced any day the Court is sitting; thus the 'Decision Monday' tradition was in effect more than 100 years. 'During the 1857 and 1858 Terms there was a heavy concentration on Mondays, and by the 1859 Term the practice was well-established', Mr. Davis said. Prior to these dates, Opinions came down indiscriminately any day the Court met, he pointed out. 'There was no change in the Chief Justiceship or among the Court which explains the change. Nor have I been able to discover any alteration of the Court's habits with respect to the time of its Conferences or otherwise which explains the use of Mondays only for decision', Mr. Davis concluded".

(Usually, now, Orders are handed down on Mondays and Opinions on Tuesdays and Wednesdays.)

THE COURT IN HISTORY

290 years ago, 1689. Promulgation of the English Bill of Rights, forerunner of basic American rights.

160 years ago, March 2, 1819. Following a 4½-day debate before the Court, the Justices agree with Daniel Webster, deciding Gibbons v. Ogden in what has been called the "emancipation proclamation for American commerce".

150 years ago, March 4, 1829. John Marshall swears in Andrew Jackson, "Old Hickory", as the seventh President of the United States.

110 years ago, April 10, 1869. Legal size of Court reduced from ten to present nine.

55 years ago, April 4, 1924. Stanley Forman Reed, future Justice, admitted to Supreme Court bar.

40 years ago, April 17, 1939. William Orville Douglas joins Court.

DID YOU KNOW

That the robing room which the Justices used in the Senate before the Court had its present building continues to play a lively role in American history? Hugh Scott who was Senate minority leader from 1969 to 1977 told about it in a letter to the American Bar Association Journal. The room was Senator Scott's through his period as minority leader and continues to be that of his successor, Howard Baker. "The adjoining room", Senator Scott added, "was once part of a larger room where the balloting for President was conducted between Thomas Jefferson and Aaron Burr".*

*The election of 1800 was the one time which ended in an even split inside the Electoral College, both Jefferson and Burr receiving 73 votes. The House of Representatives then elected Jefferson.

BACK OF THE BOOK
FROM AROUND THE BUILDING

SHIRLEY BARTLETT

Justices and staff members were shocked January 28 at the death of **Shirley Bartlett**, secretary to **Mr. Justice Blackmun**. Mrs. Bartlett was fifty years old, a vivacious person, active in off hours in competitive ballroom dancing and in world traveling, and busy with plans for approaching retirement. Death was caused by a cerebral hemmorrhage.

Mrs. Bartlett, a D.C. native had been a government employee in secretarial and clerical positions since 1944, serving the GSA here and in Dallas, working in New York at Fort Totten and at Kennedy Airport for the Department of the Army and the Federal Aviation Association respectively (1963-64), and finally joining the Supreme Court staff as a member of the secretarial support unit November 30, 1964. Two months after coming to the Court Mrs. Bartlett became a secretary to **Mr. Justice Harlan** serving with him until November 19, 1969, when she joined **Mary Burns** in the secretarial service of the new Chief Justice, **Warren E. Burger**. On September 8, 1970, Mrs. Bartlett became the chief secretary of Mr. Justice Blackmun, remaining in that position since.

SPENCER CAMPBELL

Justices and staff members turned out en masse in the late afternoon of January 23 to wish a happy retirement to **Spencer Campbell**. For nearly half a century Spencer has been associated closely with the Court and its personalities. In 1932, Spencer, a young man from Chilton County, Alabama, met **Hugo Black**, the Senator, and was taken on in Birmingham as a chauffeur. A year later, Spencer moved up to Washington in the same capacity, remaining with Hugo Black for the next four decades. In 1937 when President Franklin D. Roosevelt appointed Senator Black to the Court, Spencer crossed Capitol Park with him. For the next forty-one years Spencer has been here, serving Justice Black until his death in 1971, transferring for one year to the Marshal's staff, and serving since 1972 as the Messenger of **Mr. Justice Powell** who was the main sponsor of the January 23 tribute to Spencer Campbell.

In early years Spencer thought of retiring to Alabama but with a son and both daughters grown, and with three grand children, all of them in the D.C. area, Spencer is no longer that sure that he wishes to leave.

STAGE VIEW OF THE COURT

The Lawrence and Lee play about the first woman Justice of the Supreme Court, set in "the imaginary now", continues to move from city to city across the country. After first going on the boards here at the Kennedy Center it transferred to New York where Martha Scott, a producer, says the two-act production enjoyed Broadway's best grosses for a straight play, even, on one week, beating out all the musicals ("Annie", "King and I", and "Chorus Line").

Arrangements were made early this year for a four-week engagement in Los Angeles and negotiations have been under way for possible Denver and Chicago performances. A TV or movie version also is being considered.

UNITED STATES REPORTS

Page counts indicate that the Court Opinions of the 1977 Term will fill about 3,800 pages of the U.S. Reports, a large number but short of the record set in the 1975 Term. At that time Opinions occupied an additional ten percent as much space and, for the only time thus far in Court history, required six of the bound volumes.

LIBRARY

By **Roger Jacobs**

Recent visitors have included many prominent law librarians: Professor Myron Jacobstein, president of the American Association of Law Libraries, and law librarian of the Stanford University School of Law, Professor Larry Wenger, of the University of Virginia law school, Professor Julius Marke, of the N.Y.U. law school, Professor Kathy Price, of the Duke U. law school, and Miss Lorraine Kulpa, of the General Motors legal staff library . . . .A new staff member is **Alan C. Gevinson**, a library acquisition technician. He has an A.B. from Kalamazoo College, Michigan, and comes to us from the Georgetown U. law library.

MEDICAL UNIT

By **Mrs. Sarah Hall R.N.**

The Red Cross blood bank is always in need. Won't you volunteer? the bank is at 2025 E Street N.W. Come by the medical unit in room 8 for additional information. We here at the Court have had many occasions to draw upon this bank. It will continue to stand us in good stead in the future.

POLICE

By **Officer Beth Cooper**

The flood of visitors to the Court reached one of the high points of recent years during 1978. An average of just under 60,000 came each month — 2,000 for every calendar day and, of course, more than that on every business day. The year's total was 649,729 — two-thirds of a million. One in four of the visitors — some 150,000 — took advantage of the orientation

Continued

SERVICE AWARDS

Three Justices and twenty-three members of the Court staff have been awarded service pins for long periods of employment at the Court or elsewhere in the government. **Chief Justice Warren E. Burger** awarded government service pins to **Mr. Justice Brennan** (25 years) and to **Mr. Justice Stewart** (20 years on the Court). As the Senior Associate Justice, Mr. Justice Brennan returned the favor, awarding the Chief Justice a 25-year government service insignia.

Others honored were:

For Supreme Court service

35 years
Mary W. Fowler
Lilas Gill
Robert E. Higbie

25 years
Iris Lee
Robert B. Neil

20 years
Dorothy R. Latimer
Theodore R. McGhee

15 years
Louise A. Covington
Francis J. Kehoe
Eugene M. Sartori
Paul D. Taggart Jr.

10 years
Jean O. Douglas
Willie C. Hamilton

For overall government service

30 years
Francis W. Stidhams
Frank E. Thomas

25 years
William D. Brannon
Dale E. Cross
Hillie D. Luckett
John McCullough Jr.

15 years
Barrett McGurn
Coleman Williams

10 years
Beverly G. Eaves
Louise B. Graves

BACK OF THE BOOK

— Continued from page 6

lectures the Court messengers give in the Courtroom every hour and half hour on days the Justices are not on the Bench. In the mid-sixties the number of visitors each year ranged in the 500 thousands. In the early seventies totals were in the mid-400 thousands. In the bicentenial period the influx soared to 670,903 in 1975 and 708,930 in 1976, falling back to 571,507 in 1977.

Other police news: we welcomed two additions to our families, **Alexander Paden Duff**, six pounds, four ounces, born to **Sherlin** and **Dartholia Duff**, and **Candice A. Brooks**, seven pounds and fifteen ounces, born to **Joshua** and **Sharon Brooks** . . . **Officer Steve Sokoloski** headed our annual Childrens Hospital fund drive. Instead of exchanging Christmas cards force members gave $210 to the drive.

MORE PEOPLE

Clerk **Mike Rodak** addressed the national Conference of Public defenders in New Orleans. The Federal Judicial Center organized the seminar . . . . **Sergeant Willie Williams** happily introduced his son who represents Dartmouth in football and track. . . . Reporter of Decisions **Henry Putzel's** remarks at the Louisiana State University Law Center* were preserved on videotape for the use of later generations at the center . . . .Attorney General Griffin Bell, Solicitor General Wade McCree, and many of the Justices and others attended a reception in the Court's Great Hall for finalists in the annual Judicial Fellows competition. . . .Personnel Officer **Jim Powers** arranged for showings here of a McGraw-Hill film on career planning — how to appraise one's own skills and set and achieve goals. . .**Jeffrey Morris'** wife, **Dona**, under her professional name of Dona Baron, has just published "The National Purpose Reconsidered"**. In addition to Dona's own contribution there are others from George Ball, Gunnar Myrdal, Barry Commoner, Martin Marty, John Doar and Richard B. Morris . . . . **Lewis Glaser** of Charlottesville, carver of the Court's goose quill pens, says that December 25 was a notable day, not only Christmas and Hanukkah (which rarely coincide) but also his 80th birthday.

* See Letters to Editor, page 5. **Columbia University Press

Happy Birthday

In April to **Mr. Justice Stevens** on the 20th and **Mr. Justice Brennan** on the 25th,

And in March to:

1 **Bernard Glasper**
2 **Bertha Glimps**
5 **Louis Moore**
7 **Ed Mitchell**
8 **Mary Elmore**
Charles Cooper
9 **Frank Daniels**
Eric Anderson
12 **Greg Nuezil**
Kate Pressman
17 **Phillip Wood**
18 **Pauline Hicks**
23 **Sondra Berchin**
25 **Alfred Wong**
27 **Harry Fenwick**
28 **Joshua Brooks**
29 **James Nash**

Also in April to:

2 **Joe Jacobs**
3 **Grant Obright**
Charles Ames
6 **Marc Richman**
7 **John McCullogh**
Lois Angell
8 **Mickey Boteler**
Wannette Smith
Mary Barbour
11 **Patricia Dean**
Robert Haar
14 **Dorothy Speight**
Verdery Gilchrist
15 **Irene Miller**
20 **Arbor Hawkins**
29 **David Burman**
30 **Frank Howarth**
James Surles

THE JUSTICES

The **Chief Justice** addressed a Seminar on Legal History at the National Archives. He suggested that legislators, political scientists and others use the 1985-1987 period as a Constitutional Bicentennial observation with the aim of creating a new set of "Federalist Papers" discussing the role of the Constitution after 200 years. . . .

Four members of the Court, the Chief Justice, and **Justices Brennan, White** and **Marshall** took part in ceremonies marking the 200th anniversary of the Maryland Court of Appeals. . . .

The William J. Brennan Jr. Professorship of Law has been created at the Rutgers University Law School with Allan Axelrod as the first incumbent. The professorship was established, according to Dean Peter Simmons, to emphasize values "important to our law school, including a strong commitment to social justice and intellectual freedom". . . .

Mr. Justice Marshall swore in Mayor Marion Barry. . . Ebony Magazine's first American Black Achievement Award for service in the professions went to the Justice. The magazine said its award jury included "the 100 most influential Blacks in America".

Mr. Justice Powell gave the keynote address at a convocation of the College of William and Mary commemorating the 200th anniversary of this country's first chair of law. William and Mary was in its 87th year in 1779 when Governor Thomas Jefferson reorganized the institution adding chairs of medicine and law. George Wythe, a Virginia patriot, became the country's first professor of law.

The GSA Building in Yakima, Washington, was renamed the **William O. Douglas Building** in ceremonies attended by **Cathy Douglas**. . . . Former Justice **Abe Fortas** and the first law clerk of Mr. Justice Douglas (**C. David Ginsburg**,1939 Term) were among the co-chairmen of a two-day convocation, the William O. Douglas Inquiry into the State of Individual Freedom. Forty former Douglas law clerks were among the sponsors. Announcement was made of the first of a series of books on civil liberties to be published by the William O. Douglas Inquiry. The first volume has eleven co-authors including former Douglas law clerks. Harry Ashmore is editor.

SUGGESTION

Do you have handicapped acquaintances who would like to visit the Court? Tell them about the special arrangements which can be made. The Marshal will provide basement parking for them on a space available basis. Ramps at various places inside the building will enable easy passage for those in wheelchairs. Seeing Eye dogs are permitted in the Courtroom during Oral Argument. On occasion when groups of deaf visit the Court sign language translation of the pleadings before the Justices is provided.

THE DOCKET SHEET is published bimonthly by the Public Information Officer, **Barrett McGurn**. Assistant editors are **Joan Sprince** and **Cecily Coleman**. Printing and typesetting is by **DiCesare & Associates**.

James E. Bond, Professor at Wake Forest U. Law School, is at work on a biography of **Mr. Justice McReynolds** . . . . Brandeis University has published in microfilm a 5,000-page documentation of a little known period of the life of **Mr. Justice Brandeis**, his 38 years as a public interest lawyer. Dr. Abram L. Sacher, the Brandeis chancellor, said he and **Mr. Justice Frankfurter** had discussed this project as early as twenty-three years ago but funds were unavailable. . . .

The **John Jay** homestead at Katonah, New York, has been chartered by the New York State Board of Regents as a tax-exempt educational and charitable corporation. The Friends of the John Jay Homestead are inviting the interested to take out tax-deductible memberships ranging from $5 for students to $1,000 or more for benefactors with the purpose of preserving the house and grounds as "one of America's premier historic sites". Jay retired to the 714-acre farm after serving as the first Chief Justice and after occupying many other premier positions in our newborn nation. A maternal grandfather, Jacobus Van Cortlandt, bought the property in 1703 from the first settlers who in turn had succeeded the Indian sachem, Katonah, in the ownership. Maples, elms and shrubs planted by Jay still adorn the grounds. Five generations of Jay descendents occupied the land until the 1940's.

QUOTATIONS

"A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used", **Mr. Justice Holmes** giving the decision of the Court in Towne v. Eisner, Collector of U.S. Internal Revenue, January 7, 1918.

"A stew may be a delicious dish. But a stew is not to be made in law by throwing together indiscriminately decision and dicta, cases involving common carriers and private carriers, cases involving monopolistic or otherwise patently unequal bargaining power and cases arising under contracts between parties bargaining at arm's length", **Mr. Justice Frankfurter** dissenting in Bisso, Receiver v. Inland Waterways Corporation, May 16, 1955.

REPORTERS OF DECISIONS *Pages 2-4*

The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 16, NUMBER 3 MAY - JUNE 1979

THE JUSTICES

© *Betty Wells*

(See Page 2)

"DOUBLE REVOLVING NITPICKER"

Henry C. Lind* is the new Reporter of Decisions, succeeding **Henry Putzel Jr.** They are the fourteenth and thirteenth occupants respectively of an office which dates to the days when the Supreme Court was in Philadelphia in the 18th century. Of the four Officers of the Court** the Reporter of Decisions performs a function which is perhaps least understood. Thanks to **Paul R. Baier**, a former Judicial Fellow here***, we have the following explanation from Mr. Putzel****.

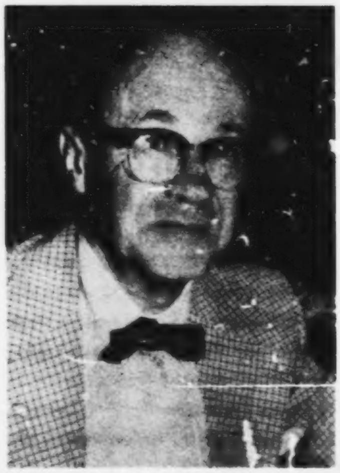

PHOTO PUGH

Henry Putzel

What does a Reporter of Decisions do?

"Our function changed over the years...In the early days the Reporters were in the Courtroom and took down, as best they could, what the Court was handing down...The Reporters now have a more limited function, one that is, I think, no less important, but it's not quite the same....Primarily, Reporters have the two functions of writing the syllabi or headnotes, and making editorial changes - suggestions rather, to the Court".

They have nothing to do with newspaper reporting?

"No, indeed! It's rather amusing. I have a letter ... that my predecessor, **Walter Wyatt**, who was a very distinguished man - he used to be the general counsel of the Federal Reserve Board... he got irked at confusion over the meaning of the word Reporter, and he wrote this letter to **Chief Justice...Fred M. Vinson**, January 21, 1953:

" 'In order to avoid...some embarassment, it is respectfully requested that...I be permitted to list my title as Reporter of Decisions instead of merely as Reporter. From time to time I am plagued by... people who think I am the stenographic court reporter or who desire either stenographic employment on my staff or to obtain transcripts of oral arguments. I have recently been informed that a similar misunderstanding on the part of those charged with...seating arrangements for the inauguration of President Eisenhower may have been partly responsible for the difficulties incurred in obtaining proper. . . arangements. . . . One (of those handling seat assignments) told the Marshal that he thought the Reporter was. . a stenographer'".

Was it hard to write the syllabi, the summaries attached to Opinions?

"Some. . . were fiendishly hard to write. . . Some seemed to fall into place very logically and easily. . .I remember the New Haven Inclusion Cases as. . .where, factually, there was great difficulty in trying to present the complicated railroad reorganization. . . concisely. . . . We tried to make (the headnotes) as brief as we could and the question was always one of judgment: what point was at the nub of the case?"

Is headnoting subject to the approval of the Justice who wrote the Opinion?

"It is and it isn't. I think most Justices, when they return the headnote. . . , make so-called 'suggestions'. Of course, the Reporter is going to abide by the suggestions but. . . the Court emphasizes that headnotes. . . are the work of the Reporter and not the official body of law. In Ohio. . . the headnote is the law. . . ."

Do lawyers ever try to use headnotes in arguments before the Court?

"Yes, (in) the United States v. Detroit Lumber Company*****. The Court mentioned in its Opinion (in that case) that the headnote. . . has nothing official to it".

Requirements to be a Reporter of Decisions?

"First. . . be a lawyer. And I'd say. . . a word nut. And

(Continued on next page)

HENRY PUTZEL

Henry Putzel in his fifteen years here oversaw the publication of one-seventh of all the bound volumes of the Opinions of the Supreme Court since the beginning of Court history: 63 books in all. In addition, Mr. Putzel managed the production of preliminary prints, the early paperbound versions of Court Opinions, bringing the United States Reports forward to what will be volume 438.

The **Chief Justice** said from the Bench, as the U.S. Reports, will note:

"The work of the Reporter of Decisions is not known to the public but is of great importance to the courts, the legal profession and to the public. Mr. Putzel has performed the exacting duties of that important office with great distinction. . . . The Court wishes to pay tribute to him. . . ."

(Continued on page 4)

COVER BOX

The cover picture is NBC-TV artist Betty Wells' impression of the Justices on the bench in the course of oral argument. In the foreground are news reporters on the two front benches of the press area. Mrs. Wells did her painting from the third row of the press section where she and other news artists often are at work.

in the third place. . . a double, revolving peripatetic nitpicker."

How was Mr. Putzel hired?

"I'll never forget an interview I had with **Chief Justice Warren.** He said that in effect he would not take this job on a bet. He didn't - as most people don't - like dotting i's and crossing t's. Naturally it wouldn't appeal to him but it did appeal to me. . . I've loved what I've done. . . ."

Is Mr. Putzel a word nut?

"Yes. . . I had as a hobby for a long time: words. . . quite a collection of them. They are a lot of fun. . . The Court, like the rest of us, will use mod words and this, I think, has the effect sometimes of cheapening the currency of language. . . Take a word like parameter. . I defy you. . . to retain in your mind. . . what the word parameter really means. . . I think the Pentagon probably started this. They use the word in the sense of perimeter or boundary. (They) are good words; why not use them?"

Did Mr. Putzel try to keep "parameter" out of Opinions?

"Yes. I gave up for a while but then I found a great ally (in one of the Justices). He jokingly told me he (told his Colleagues) He wouldn't vote with them in any case where they used the word 'parameter' ".

Do readers of the Bench Opinions and Preliminary Prints catch bloopers and help with correcting them before the Bound Volumes?

"Yes. . . I remember once I received a letter from a convict in a Southern penitentiary. . . some are great jailhouse lawyers. . . , pointing out a mistake no one else had caught. . . .And we had a law student at Yale who used to write me a three-page single-spaced letter after a preliminary print came out, pointing out all the errors in the Opinions. . . Invariably, at least three or four times, out of all those lines in his letter. . . , there would be something we missed. . . I think he kept the preliminary print by his bedside and read it when he went to sleep. . . , a pretty good way of going to sleep sometimes".

PHOTO-JOSEPH H. BAILEY

Mr. Putzel at his desk here. Above is **William Cranch**, the Reporter of 1801-1815. At the right is the open Webster's.

Does the Reporter correct grammar?

"We (made) quite a lot of spelling corrections and a good many grammar corrections. Our batting average on some of my. . . pet peeves sometimes (was) good, sometimes not. . . Good writers maintain a distinction between 'that' - restrictive - and 'which' not restrictive. I tried some years ago to get the Court to maintain this distinction. . . I remember (one Justice) after I put this campaign on, asked me one day, 'what is the difference between "that" and "which" '- in effect, 'why are you being so fussy?' I tried to explain what the difference was. . . I finally just threw in the sponge".

Did that Justice often communicate about word usage and grammar?

"Not really, but one day he wrote me from the bench (asking) what the word 'suppletive' meant as used in an Opinion of **Justice Harlan's** . . . I looked in my records. . . We had written to Justice Harlan at the time he used that word. . . in Labine v. Vincent. We had circled the word and asked 'is this the word intended?' The definitions in neither Webster nor. . .the Unabridged Oxford Dictionary seemed to fit. . . The definition in Webster's is 'an instance of "suppletion" ' and 'suppletion' is defined as 'the occurrence of phonemically unrelated allomorphs of the same morpheme where that morpheme is a base or an affix.' Please tell me what that means! We couldn't find out (but) either Justice Harlan or his law clerk was satisfied that he knew. . . "

Do errors ever make it as far as the bound volumes?

"Once in a long time (that does occur) and we (in the Reporter's Office) had to get out an erratum notice...I remember when...I hadn't been Reporter very long, I got a telephone call from the Solicitor of the Interior Department. He said 'I wish to point out an error in the United States Reports. My heart sank (but) then he gave me the volume. . . . It was well over 100 years before!"

Was it a privilege to work at the Court?

"No question about it. . . . The feeling of exhilaration and pride that I had when I first came to the Court (never) dimmed. . . I continued) to walk down the marble halls thinking how lucky I was to be there".

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*Henry Lind came to the Court in 1973 as Assistant Reporter of Decisions. See the Docket Sheet of November 1978.

**The Clerk, the Marshal, The Librarian and the Reporter of Decisions

***1975 Term.

****Videotape interview at the Louisiana State University Law Center, Paul R. Baier. Quoted with permission.

*****February 19, 1906.

******March 29, 1971.

MR. LIND'S STAFF

Thomas J. Oliver is the new Assistant Reporter of Decisions, assisting Mr. Lind. Rarely has anyone, according to Reporter of Decisions Lind, come to the position with such preparation.

Both the Reporter of Decisions and his assistant write the syllabi at the head of Opinions; a graduate of Valparaiso University in his native Indiana (A.B. 1955, LL.B. 1957), Mr. Oliver, like Mr. Lind, is a former employee of the Lawyers Co-operative Publishing Company. In his 18½ years there, Mr. Oliver not only wrote annotations for the American Law Reports Annotated, and the American Law Reports (Federal) Annotated, but he also indited headnotes and summaries for United States Supreme Court decisions published in the Lawyers Edition of the United States Reports.

Tom Oliver and his wife Diane were married in 1954 and live in Burke, Virginia. There are three children, Cindy, 18, a freshman at the Virginia Polytechnic Institute, Linda, 16, a junior in the Lake Braddock Secondary School, and Roy, a 7th grader in the same school. Tom's hobbies are reading "everything from history to some fiction" and spectator sports ("everything, especially basketball").

YESTERYEAR IN THE DOCKET SHEET

January, 1963: "The Docket Sheet received a Christmas note from **Miss Madelyn F. Miller,** former manager of the Court's cafeteria ... who admitted 'a twinge of nostalgia at the sight of the cups and saucers from the cafeteria' that appeared in pictures in the Docket Sheet".

DID YOU KNOW

That perhaps the country's greatest lover of words was a lawyer and, for a while, a tenant in the home of a future Chief Justice - **Oliver Ellsworth?** Born in 1758, he was a Yale graduate. He lived for a while in Hartford, Connecticut, in the Ellsworth residence, practiced law for four years, tried his hand for a while at journalism, and then gave himself to his great life work, the creation of the first American dictionary of the English language. He was Noah Webster. (For more see the November 1978 ABA Journal).

PUTZEL

(Continued from page 2)

Henry Putzel is a native of Denver, but his first ten years were passed mostly in New Rochelle, New York, and the next eighteen in St. Louis. He is a member of Phi Beta Kappa and has two Yale degrees, A.B. and LL.B. At Yale College he had the Senior "Philosophical Orations Appointment" which is equivalent to graduation summa cum laude. He took English Honors with a citation "with unusual distinction".

He and his wife, Eleanor, have three children: Henry III has a Yale J.D. and teaches law at Fordham University, Roger has a Ph.D. from UCLA and is an organizational development consultant in Montreal, Mrs. Judith Putzel Connett is another Ph.D. (from the University of Massachusetts). Mrs. Connett does family counselling in Frankfurt where her husband, a major, is stationed.

Mr. Putzel's plans: hiking and skiing in Vail and in Taos, New Mexico, among other places; a trip in June to Southern France for son Roger's wedding; volunteer work; possibly some writing on early Reporters of Decisions.

HAPPY BIRTHDAY

In June to *Mr. Justice White* on the 8th.

In May to:

2	Lloyd Roberts
3	Marion Davis
	Alfonso Bautista
	Thomas Merrill
6	Sally Smith
7	Ed Ruf
	Robinson Lacy
11	David Koczot
12	Wellington Burton
15	Annie Hagans
17	Larry Gill
	Donald Murray
	Harvell Stewart
18	Dale Cross
19	Theodore Dickens
	Bill Matthews
20	Frank Thomas
	Robert Weiner
23	Virginia Twitty
	Daniel Harris
24	Hillie Luckett

Also in June to:

1	Jerome Dankos
	Dorothy Latimer
4	Cassandra Lewis
5	Edna Wolfe
6	Judy Ronningen
	James Griffin
7	Edward Szuchyt
8	Hazel Parks
	Nathaniel Weldon
9	Ron Thongtavee
12	Stephen Bennett
	Jean Sartwell
14	Willie Williams
19	Shouney Lee
20	Daniel Lewis
21	Charles Godwin
	Mark Kravitz
22	Pat Covington
25	Henry Greely
26	Wayne Bliss
	Nellie Dixon
	Judy McCullough
	Ceil Sheahan
	Carol Ann White
28	Annie Parker
29	Harry Datcher
30	James Bird

A CENTURY OF WOMEN

With women lawyers often pleading before the Court it may be hard to realize that a century ago this year there was lively discussion on Capitol Hill about whether women should be members of the Supreme Court Bar.

In 1877 **Mrs. Belva A. Lockwood** applied for bar membership here, the first of her sex to attempt it. She was turned down. Undaunted, she lobbied for help in Congress and got it. The House quickly agreed that women, already practicing law in various states (California, Michigan, Minnesota, Missouri, North Carolina, Wyoming, and Utah,) and the District of Columbia, ought not be denied access to the supreme tribunal. The Senate, through 1878 and part of 1879, held out. The Senate demurrer was based on procedure rather than principle: it was up to the Court not the Congress to determine access to this bar.

Senator Aaron Augustus Sargent, from California, carried the ball for Mrs. Lockwood and her sister attorneys as the Senate debated the issue. The Congressional Record quotes him:

"There is no reason in principle why women should not be admitted to (all levels of) this profession or the profession of medicine, provided they have the learning to enable them to be useful.... Where is the propriety in opening our colleges ... to women, and then when they have acquired, in the race with men, the cultivation for higher employments to shut them out? ... I believe the time has passed when it is considered a ridiculous thing for women to appear upon the lecture platform or in the pulpit, for women to attend to the curing of diseases as physicians..., to engage in any literary employment, or appear at the bar. Some excellent lady lawyers in the United States are now practicing at the bar.... In Shakespeare's time it was thought unfit that a woman should appear upon the stage as an actress, but since that day a long roll of illustrious women have adorned... that profession..., and now a play presented to the stage which left women out, if it were decent and moral, would be like leaving Hamlet out of the play of that name.

"So in the ranks of literature, from the first feeble beginnings of a few years ago of Miss (Jane) Austen ... we now find (women as) some of the most successful novelists of the present day.... There is scarcely any department of literature which they have not invaded, from the profession of journalism up through the higher walks requiring sustained effort....

"The Supreme Court of the United States recently, in passing upon the question of the admission of a certain lady, said that until some legislation took place they did not like to depart from the precedent set in England, or until there was more general practice among the States. The learned Chief Justice perhaps did not sufficiently reflect when he stated that there were no English precedents. The fact is that (Queen) Elizabeth herself sat in *aula regina* and administered the law, and in both Scotland and England women have fulfilled the function of judges. The instances are not numerous but they are well ascertained in history.... As to the question of capacity, the history of the world shows, from Queen Elizabeth or (Queen) Isabella, down to... Mrs. (Harriet Beecher) Stowe, that capacity is not a question of sex...."

For his peroration, the senator used this:

"The enjoyment of liberty, the pursuit of happiness in her own way, is as much the birthright of woman as of man. In this land man has ceased to dominate over his fellow - let him cease to dominate over his sister...."

Senator George Frisbie Hoar, of Massachusetts, came to his colleague's support:

"The greatest master of human manners who read the human heart and who understood better than any man who ever lived the varieties of human character (Shakespeare), when he desired to solve the knot which had puzzled the lawyers and doctors, placed a woman upon the judgment seat (in "The Merchant of Venice"); and yet under the present existing law if Portia herself were alive, she could not defend the opinion she had given before the Supreme Court of the United States".

Senator Hoar's words evidently did it. The Senate promptly voted, and the bill authorizing women to plead before the Supreme Court Bar passed 39 to 20 with seventeen absent. Mrs. Lockwood at once was sworn in as a bar member.

*Thanks to Legal Officer **Marc Richman** for flagging this bit of history to the Docket Sheet's attention.

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn**. **Joan Sprince** and **Cecily Coleman** are assistant editors. Di Cesare & Associates are the typesetters and printers.

STOP PRESS NEWS

Judicial Fellow **Jim Robbins** is the new Personnel Officer, succeeding **Jim Powers.** See the Docket Sheet of July-September for details.

BACK OF THE BOOK
FROM AROUND THE BUILDING

WEBER CASE

The Weber "reverse discrimination" case attracted the biggest crowds of the Term with some 600 seeking admittance. A half dozen were on line at midnight as temperatures sank below the freezing level. Another half dozen joined them at dawn. Fifty-nine news organizations sent correspondents including all the wires and networks, the news magazines, and newspapers of Washington, D.C., New York, Boston, Chicago, Los Angeles, New Orleans, Baltimore, Dallas and London (The Observer). Five artists did impressions for the TV. Specialized publications such as the National Black Media, the Equal Opportunity Forum, the National Black Law Journal, the Chronicle of Higher Education, The Baltimore Jewish Press and the Daily World (Communist) were among others observing from the press area.

PHOTOS PUGH

Hazel Parks at her elevator, and with **Justices Brennan** and **White**.

DEPARTURES

Court employees turned out March 31 for a farewell party for **Mrs. Hazel Parks,** who retired after nineteen years here. Mrs. Parks served ten years on the housekeeping force and then became the Court's first woman elevator operator. At least one President, Gerald Ford, rode her elevator. In recent years Mrs. Parks had the swing assignment, relieving the other operators at their lunch periods and other breaks.

Another to retire is **Paul Richards.** He joined the staff of the Reporter of Decisions in 1973, coming from a position as chief of the bound volume section in the main proof room of the GPO. Contented with work here he remarked on occasion that were he to be transferred, there would be "heelmarks all the way to the front door." He and Mrs. Richards plan to divide retirement time among Kensington in Maryland, Harvey's Lake in Pennsylvania and Monserrat in the British West Indies.

Marge Eastridge has resigned from the Reporter's Office after four years to go into real estate appraisal. She has been studying at American University for an MBA with real estate and urban development as her area of concentration. Marge was guest here March 21 at a goingaway tea.

LIBRARY

By **Roger Jacobs**

The Library's automatic retrieval facilities have been expanded by the installation of a JURIS terminal. This is the Department of Justice legal research system. It gives us on-line access to the United States Reports back to 1900 and allows automatic search into various administrative agency materials not available on another of our systems, LEXIS. Our research staff on extension 23177 will be happy to provide further details on how this new instrument can best be used.

MEDICAL UNIT

By **Sarah Hall, R.N.**

Do volunteer to give blood! A Red Cross bloodmobile will take donations Wednesday, May 2, in room 155 at the Russell Senate Office Building but if you miss that another appointment can be arranged. The Supreme Court gets credit for these donations; we have had years when we needed as much as forty pints. Anyone between the ages of seventeen and 66 who is in good physical condition may contribute. Donations may be made every eight weeks for as often as five times a year. Do help us.

U.S. NEWS

United States News and World Report used pictures of many of the Court personnel March 26 in a cover story about the caseload and the Court's "trials and tribulations." For its cover the magazine used a Betty Wells' painting of the Court similar to the one on the cover of this issue of the Docket Sheet. Inside, the magazine showed **Mike Rodak** posed behind a threefoot stack of petitions, a pile evoked by one week of Oral Arguments. Also inside was an informal pose of the Justices in the West Conference Room (taken by Yoichi Okamoto who was President Johnson's photographer in the White House). Still other shots were **Mr. Justice Stevens** in the cafeteria food line, **Mark Cannon** and the **Chief Justice** at lunch in the latter's inner office, **Roger Jacobs** in the Library, **Mr. Justice Marshall** in an outdoor setting, and **Frank Lorson** working the Court seal.

ANTIQUES MAGAZINE

Antiques Magazine took note of the exhibit which **Gail Galloway** and **Susanne Owens** have in place in

BACK OF THE BOOK

(Continued from page 6)

the ground floor West entranceway. For a photograph the magazine featured the gilt wood French side chair of the late 18th century which the Marquis de Lafayette gave to **John Jay.** The magazine noted that the chair is on loan from the Museum of the City of New York and that the Marquise de Lafayette was the one who did the needlework upholstery.

MORE PEOPLE

Edith Parks, the telephone operator, is back after a month's absence for surgery, and says she is feeling much better.... **Beth Hewes,** secretary to **Mr. Justice Stevens,** has earned a real estate license for both Maryland and the District of Columbia.... **Monty Podva,** law clerk to **Mr. Justice Douglas,** explained Court workings to Sears Roebuck Congressional interns, many of whom are looking toward law or journalism as careers. The group met in the West Conference Room.... **Dona** and **Jeff Morris** happily announce the arrival of **David Brandon,** seven pounds five and one-half ounces.... **Lola Scutt,** former secretary to **Mark Cannon,** is now **Mrs. David Timmins.** He is a foreign service officer. The Timminses await an imminent overseas assignment.... The 1978-1979 Judicial Fellows (**Jim Robbins,** former AA to the Chief Justice of the District Courts of Massachusetts, and **Bill Daniels,** holder of this year's **Tom C. Clark** Fellowship) were honored at a reception here. The Clark Fellowship was established by the Justice's law clerks.

CONDOLENCES

Condolences are extended to **Edna Wolfe** on the death of her husband, to **Henry Lind** on the loss of his mother, to **Terry Haslip** and to **Henry Johnson** whose fathers died, and to the family of **Frank B. Hathcock.** Mr. Hathcock, known affectionately to his colleagues as "Sug" for "sugar", was here for 29 years. A native of Canton, Georgia, he was an infantryman in World War I, a Capitol policeman from 1932 to 1935, and a member of our original police force here in 1935. He rose to sergeant here, then transferred to the labor force, serving as foreman from 1961 until his 1965 retirement.

The lectures given by our Court messengers in the Courtroom (every hour and half hour from 9:30 a.m. to 4 on days without the Justices on the bench) seem to be a big favorite with visitors. During April the attendance at the ten-minute presentations totalled 31,755 persons, just over one-third of the 90,784 who entered the building. The number hearing the lectures was half again as many as in the same month in 1978, the first month at which lecture attendance was clocked.

During April 14,109 persons heard the Oral Arguments, an increase from the 11, 317 who were present for the Hearings in April of 1978.

NEXT ISSUE: AN EXTRA JUSTICE

POLICE

By **Officer Beth Cooper**

This looks like a great year for our police softball team. We have moved into a tougher league. **Officers Jane Korte** and **Bob Weaver** are the team managers. Check with any member of our force with regard to our schedule, and come cheer for us!

NEAR MISS

The Docket Sheet, trying for its fourth award in three years, scored a near miss in the annual competition of the Society for Technical Communications (Washington chapter). A judge thought the "content good and the writing sharp" but found too much solid type. With 92 as a winning score in the house organ contest, the Docket Sheet scored 90.

Library
Supreme Court of the United States

by **Sharron FitzGerald**

Among books of interest:

BICKEL, Alexander M. Supreme Court and the idea of progress. Yale U. Press, 1978.

DOUGLAS, William O. Supreme Court and Bicentennial, two lectures. Fairleigh Dickinson U. Press, 1978.

FEHRENBACHER, Don E. Dred Scott case, Oxford U. Press, 1978

JUSTICE HUGO BLACK and the First Amendment. Iowa State U. Press, 1978.

MILLER, Arthur S. Supreme Court; myth and reality, Greenwood, 1978.

SEED, Geoffrey, James Wilson, KTO, 1978.

SUGGESTION

When making official long distance calls be sure to keep two things in mind. Get a supervisor's authorization for the call. Then be careful to punch "8", *not* "9". The Court has leased the use of Federal Telecommunications System lines (FTS). A flat rate is charged regardless of the number of calls made. The Court is charged extra for calls originated on "9".

THE JUSTICES

Cathy Douglas, wife of the Justice, and United States Senator Henry M. Jackson were among those present as the three-story tall federal building and United States courthouse in Yakima, Washington, was renamed for **Mr. Justice Douglas.** The Justice grew up there and briefly taught school in what is now Davis High School. In a tribute President Carter said:

"Only in rare instances are federal buildings named for living individuals, so the dedication of this building will serve as a lasting tribute to the respect and esteem earned by Justice Douglas over the course of his distinguished career".

JUSTICE
WILLIAM O. DOUGLAS
FEDERAL BUILDING
U.S. COURTHOUSE
JIMMY CARTER
PRESIDENT
UNITED STATES OF AMERICA
JAY SOLOMON
ADMINISTRATOR
OF GENERAL SERVICES

Mrs. Douglas and Senator Jackson at Yakima dedication.

The Institute for Court Management has invited nominations for the **Warren E. Burger** Award, given annually to one who has made a major contribution to the improvement of court management.

New York Law School has announced that **Mr. Justice Stewart** will be among six persons honored at their 1979 commencement. . . The Black Law Journal devoted a full issue to **Mr. Justice Marshall.**

TO THE EDITOR

"Thank you for rescuing me from oblivion in the issue of January-February 1979 (Ad Corrigendum). You still don't have it quite right, however. I was the fourth and not the fifth woman law clerk. My only predecessors were **Lucille Lomen, Margaret Corcoran** and **Martha Alschuler** (now **Field**). . . Oh, and now that I am restored to your records, would you also add me to your mailing list? I have been reading your fine publication only through the courtesy of a friend and former law clerk", **Barbara D. Underwood,** Professor of Law, Yale University.

(Professor Underwood, is teaching criminal law. She was the second woman to join the Yale Law faculty, following Ellen Peters who pioneered in 1956. Miss Underwood, here in the 1971 Term in the chambers of **Mr. Justice Marshall,** was the sole woman clerk that year. Her women law clerk predecessors served in the chambers of **Mr. Justice Douglas** (Miss Lomen in 1944), **Mr. Justice Black** (Miss Corcoran in 1966) and **Mr. Justice Fortas** (Miss Alschuler in 1968). The Docket Sheet is happy to straighten the record and to add Professor Underwood to the mailing list.)

THE COURT IN HISTORY

215 years ago, 1764. John Jay, the future first Chief Justice, graduates at 19 from King's College (now Columbia), delivering a commencement address on the benefits of peace.

170 years ago, May, 1809. Mr. Justice Todd explains to his son in a letter why he missed the 1809 Term: "I set out...for the Federal City but owing to the extreme high freshlets, which had removed every bridge between Lexington & Chillicothe. . . I went no further than to Chillicothe".

150 years ago, May 17, 1829. Death of former Chief Justice Jay.

125 years ago, May 15, 1854. The Dred Scott decision.

25 years ago, May 17, 1954. Brown v. the Board of Education: "in the field of public education, the doctrine of 'separate but equal' has no place".

10 years ago, June 23, 1969. Warren Burger sworn in as Chief Justice.

QUOTATIONS

"We must never forget that it is a Constitution we are expounding", **Chief Justice John Marshall,** "McCulloch v. Maryland," March 7, 1819.

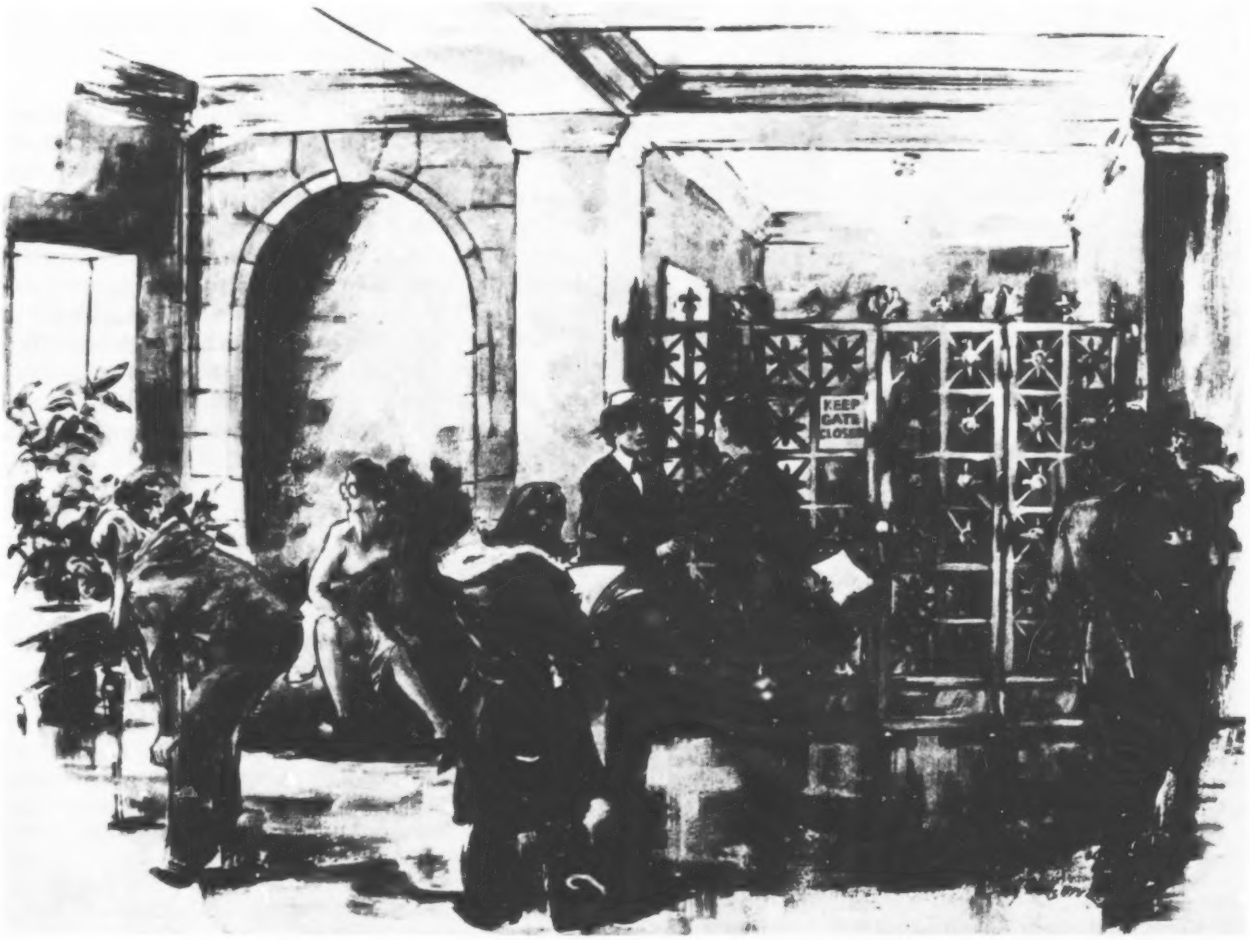
"Adjudication is, of course, the most exacting and most time-consuming of the Court's labors; it is by no means the whole story...The process of screening...is in itself a very demanding aspect of the Court's work. The litigious tendency of our people and the unwillingness of litigants to rest content with adverse decisions after their cause has been litigated in two and often in three courts, lead to attempts to get a final review by the Supreme Court in literally thousands of cases which should never reach the highest Court of the land", **Mr. Justice Frankfurter** in "Dick v. New York Life Insurance Company," May 18, 1959.

SUMMER ISSUE

The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 16, NUMBER 4 JULY-SEPTEMBER 1979


KEEP
GATE
CLOSED

©BETTY WELLS

TOURIST SEASON

(See Page 2)

PERSONNEL OFFICER

A Court personnel officer was far from the minds of the six Justices when they assembled for the first time in 1790 in what is now the financial district of Lower Manhattan. Times have changed and currently with more than 300 persons employed in the Court building the position of Personnel Officer has been part of our scene for the past half dozen years.

PHOTO—PUGH

JIM POWERS

Chief incumbent of the office to date has been **Jim Powers** who has just tendered his resignation after four years as Court Personnel Officer. He was the second to hold the office, succeeding **E. Gordon Gee,** holder of two doctorates (J.D. and Ed. D. from Columbia U.,) and new dean of the West Virginia law school. Gordon, a specialist in public personnel relations, came to the Court during the 1973 Term as one of the first of the Judicial Fellows.

Succeeding Jim Powers as Acting Personnel Officer is **Jim Robbins,** a Judicial Fellow of the present Term.

Jim Powers brought both academic and practical experience to his work in room 2. He has M.S. and Ph.D. degrees from the Case Institute of Technology and a B.S. from the Carnegie Institute of Technology. A professional management consultant, formerly employed for six years by the Arthur D. Little company, he came to the Court after years of experience organizing problem-sensing, team-building and goal-setting workshops in Vietnam and in the United States, Canada and Europe. While here at the Court Jim lectured before professional groups on the special employee relationship he observed inside court situations. A few workers, he found, were "individualists", self-oriented and not emotionally or psychologically involved with the efforts and goals of the institution. Some were experts from various academic and professional backgrounds, eager to innovate, anxious to contribute their special insights to the work of justice. Many were "loyalists", longtime career employees wholly devoted to the institution as a life work. The role of the Personnel Officer in part, as Jim saw it, was to help move the three into an effective team.

Jim Robbins has a B.A. in political science and psychology from the U. of Iowa and is a graduate of that institution's law school. He spent thirty months working with the Boston Legal Aid Society and then, in May, 1974 became an assistant to the Chief Justice of the Massachusetts District Courts. As senior management specialist at that time, Jim was responsible for solving organizational and personnel problems in various of 72 trial courts. Jim has taken part in management and personnel programs at the National Judicial College in Reno and the Institute for Court Management in Denver.

COVER BOX

The cover of this issue shows **Nancy Porter**(former Docket Sheet correspondent from our police force) on post at the entrance to the Clerk's Office on the ground floor. The painting is by Betty Wells of NBC-TV who did the current show of Court scenes on display in the same floor's central corridor.

To the left a be-spectacled visitor rests weary tourist feet, making use of one of the statuary niches which are still vacant in various parts of the building.

April and May, the two heaviest tourist months, again this year saw huge throngs, keeping Officer Porter and the other members of the force busy with inquiries. In April 90,784 were clocked into the building and in May 96,762, making a total of well over a quarter of a million visitors in the first five months of this year. May saw the greatest number to attend the half-hourly lectures since our police began keeping check in April 1978. Forty percent of those who came into the building attended one of the lectures given each half hour in the courtroom by our messengers. 39,994 lecturees in all.

TO THE EDITOR

"I believe there is an error in the current* issue of the Docket Sheet.... May 15, 1854 ... is not the date on which the Supreme Court decided Dred Scott. It is my understanding that **Chief Justice Taney** read his opinion on March 6, 1857 and the reading of the other opinions followed for... perhaps two days thereafter. May 15, 1854 is not wholly irrelevant.... I am advised by my able law clerk, Kenneth Gallant, Esquire, that the dismissal of Scott's suit in the Circuit Court in St. Louis took place on May 15, 1854, i.e., that's the ruling which was appealed to the Supreme Court.... I look forward to being a regular reader (of the Docket Sheet)", Louis H. Pollak, U.S. District Judge, Philadelphia.

*Docket Sheet of May, 1979.

The Docket Sheet erred and thanks Judge Pollak and Law Clerk Gallant for straightening the record.

102 JUSTICES?*

By **Maeva Marcus** and **Christine Jordan****

The conventional wisdom on the order of Justices has been that President Washington's fourth nominee, **Robert Hanson Harrison** of Maryland, declined the appointment and thus is to be excluded from the list of those who have served on the high bench.*** New evidence found at the National Archives by the staff of the Documentary History of the Supreme Court of the United States (1789-1800), reveals that Harrison reconsidered... and went through enough motions ... to give his heirs and assigns a claim to the compensation due for his services.

Harrison had been Washington's military personal secretary during the Revolution .... After the war, Harrison became chief judge of the General Court of Maryland....

Harrison wrestled with his answer to Washington for several weeks.... When at last he decided to refuse the appointment, Harrison wrote to the President, on October 27, 1789, that he could not take the position, because of personal concerns. The arduous duties of an Associate Justice were incompatible with his poor health.... Washington, clearly disappointed..., sent back the commission with a letter that urged Harrison to reconsider.... Washington ... informed Harrison that Congress probably would amend the Judicial Act in order to relieve Justices.... of some of the onerous tasks. ...

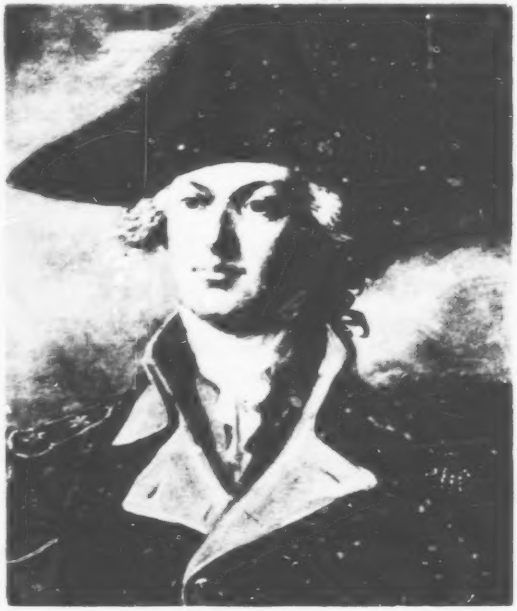
Although there is no document to prove it, Harrison must have decided to take the position on the Supreme Court bench, for in January, 1790, he began a journey to New York where the Court would hold its inaugural session.... Only a week after leaving home, however, he became ill and wrote ... to Washington:

"Bladensburg Jany 21st. 1790.

"My dear Sir,

"I left home on the 14th. instt. with a view of making a Journey to New York, and after being several days detained at Alexandria by indisposition, came thus far on the way. I now unhappily find myself ... unable to proceed further.... I ... cannot accept the appointment of an Associate Judge...."

Harrison returned home where he died on April 2, 1790.... The government apparently considered Harrison an Associate Justice ... even though he never heard a case. In 1811 Harrison's daughters applied to the Treasury Department for the compensation due an Associate Judge for services from September 28, 1789 (the date of Washington's letter appointing Harrison) until January 21, 1790, when Harrison resigned.... The government (eventually) approved the claim.



ROBERT H. HARRISON

Although it is interesting to discover that Harrison's heirs received his salary, this fact should not qualify Harrison to be described as having served on the Supreme Court.... Harrison never performed any duties assigned to a Justice. That he must now be given technical recognition as an official appointee hardly will be greeted with enthusiasm by Court historians who henceforth must account for him at least in a small footnote.

*Reprinted with permission from the 1979 yearbook of the Supreme Court Historical Society.

**Maeva Marcus, assisted by Christine Jordan, is engaged in a multi-year project assembling a book of documents of the first decade of Supreme Court history. The Court Historical Society is sponsor of the work.

***Despite the Marcus-Jordan discoveries the official list in the Marshal's Office still carries **Mr. Justice Rehnquist** as the 100th Justice of history and **Mr. Justice Stevens** as the 101st. including the name of Mr. Harrison would have moved each of the recent Justices down by one in the numerical accounting but **Marshal Wong**, going along with the authors' conclusions, has omitted doing that.

DID YOU KNOW

That Abraham Lincoln represented railroad interests in pleadings before the Supreme Court? So says a *Legal Times* review of Joseph C. Goulden's "The Million Dollar Lawyers" (G.P. Putnam). The Civil War president is presented as one who went from early poverty to a mid-career period of substantial legal fees.

HISTORICAL SOCIETY

Mrs. Betty Crites Dillon is the new executive director of the Supreme Court Historical Society, succeeding **Bill Press** who was the first.

Speaking of firsts, Mrs. Dillon has come to her new position from a varied background in diplomacy and private business including many firsts of her own. Following service as a CAB air transport examiner, as a consultant to law firms, as a management consultant to industry, and as president of a family corporation, Mrs. Dillon joined the Department of State. With the rank of Minister, she served from 1971 to 1978 as United States Representative to the International Civil Aviation Organization. She was the first woman to serve on the ICAO council. While in the diplomatic service Mrs. Dillon was the first woman to serve as a Peace Corps country director (Tunisia and Ceylon—now Sri Lanka). Both the Department of State and the Peace Corps nominated her for the annual Federal Career Woman award.

With its membership at 2,500, the society has many projects. Some are:

The documentary history of the Supreme Court of the 18th century (1789-1800). Now entering its third year, this project already has turned up copies of 3,000 documents following a search of records in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Maryland and the two Carolinas. At least another three years of work lies ahead with New Jersey, Pennsylvania, Delaware, Virginia and Georgia the states currently being checked. Large and small manuscript repositories are turning up valuable finds. Six thousand documents in all are expected by the time of completion.

THE COURT IN HISTORY

200 years ago, September 19, 1779. Future Justice **Joseph Story, a Marshall** colleague, is born as the eighth of 18 children of Elisha Story, one of the participants in the Boston Tea Party.

190 years ago, July 5, 1789. Future Justice **Brockholst Livingston**—one day late—gives the first 4th of July speech under the Constitution to the country's most distinguished audience: George Washington, Congress and the Fathers of St. Tammany, in New York City.

September, 1789. The first members of the Supreme Court receive their appointments: **John Jay** and **John Rutledge** on the 26th, **William Cushing** on the 27th, **James Wilson** on the 29th and **John Blair** on the 30th.

165 years ago, August 1814. The British march down Maryland Avenue, burn the Capitol including the Supreme Court chamber and force Congress to make do with a temporary brick capitol on the present Supreme Court grounds.

40 years ago, August 7, 1939. Congress creates the Administrative Office of the United States Courts, a body under the supervision of the Chief Justice.

5 years ago, July 24, 1974. The Court rules in the United States v. Nixon, President of the United States.

(One sample of the finds was a jury call signed by "**J. Wagner** Dy. Clerk", a predecessor of **Larry Gill** and **Frank Lorson**. Dated August 5, 1794, it directed "the Marshall (sic) for the Pennsylvania District" to produce "a number of honest and lawful men. . . . not less than 48 nor more than 60" to serve as jurors in an original jurisdiction case before "the Judges of the Supreme Court of the United States".

(Another document is dated April 3d. 1790, and signed "Go Washington". Pointing out that the Justices were about to ride circuit for the first time, the President tells the six members of the Court that "many things may occur in such an unexplored field" and that therefore "I think it proper to acquaint you, that it will be agreeable to me to receive such Information and Remarks on this Subject, as you shall from time to time Judge expedient to communicate". In short, "keep me posted". The text was found in the collection of letters of **Mr. Justice Iredell** at Duke.

(An example of the type of fill-in President Washington must have received from the circuit riders was provided by an Iredell letter in the same Duke collection. Addressed to his wife as "my dear Hannah", and dated May 29, 1790, in Savannah, the letter commented that "I never was more disappointed in my life than in the road from Charleston to this place". Until 25 miles from Savannah, the thoroughfare was "one of the finest roads I ever saw in my life . . . something perfectly straight & steady for 5 or 6 miles together". Then came the awful remainder. Most of the distance had to be negotiated by canoe on the Savannah River.)

A Calendar of the Opinions of the 101 Supreme Court Justices of history. **Pat Evans** in the Library is general editor of this endeavor, assisted by the Air Force computerized legal research data base known as FLITE, and by twelve volunteer law librarians from William and Mary, the U. of Louisville, the University of South Carolina, the U. of Maryland, the U. of Florida, Florida State U. and bar and private law libraries throughout the Southeastern states. Funds are being sought for a two-volume publication. This will be the first time an index of Opinions has been available for the greater number of the Justices. Scholars are expected to find this a useful tool.

THE JUSTICES

Leon Friedman and Chelsea House have issued a fifth volume in their series on "The Justices of the United States Supreme Court; Their Lives and Major Opinions". The new 510-page book updates the four covering the 1789-1969 period, released a decade ago, (3,373 pages total.) Fred L. Israel was co-editor with Mr. Friedman on the earlier volumes.

Included is a biography, bibliography and sample opinions of each of the 101 Justices. In a foreword to volume five, Mr. Friedman quotes the historian, Professor Henry Steele Commager, that until there are proper judicial biographies of the Justices who are seen as shaping American constitutional doctrine, "we shall not have an adequate history of the Supreme Court and therefore of the United States".

Another recent volume is "Men of the Supreme Court: Profiles of the Justices", by Catherine A. Barnes, published by Facts on File Inc. Included are biographies of the twenty-six Justices of the 1945-1976 period.

The **Chief Justice** celebrated his 23rd anniversary as a federal judge and his 10th as Chief Justice.... He spoke to the ALI and also at "Law Day" ceremonies at the White House, at the **Marshall**-Wythe law school in Williamsburg, and at Mercer U. in Macon, Georgia.

Mr. Justice Brennan addressed the annual dinner of the Historical Society.... The Justice received an honorary doctorate of Laws from Georgetown....

Mr. Justice Marshall spoke at the 2d Circuit conference at Buck Hills, Pennsylvania.... **Mr. Justice Blackmun** gave the commencement address to the Rensselaer Polytechnic Institute and received an LL.D. **honoris causa**... **Mr. Justice Powell** returned to the bench after surgery. He will receive in August in Dallas the ABA's gold medal for "conspicuous and outstanding service to the cause of American jurisprudence". The 44th to be given the honor since 1929, Mr. Justice Powell will follow such earlier recipients as Elihu Root, **Oliver Wendell Holmes**, Roscoe Pound, **Charles Evans Hughes**, **Tom C. Clark**, Whitney North Seymour and Leon Jaworski.

Mr. Justice Rehnquist spoke May 1 at the Rochester Institute of Technology on "who will regulate the regulators?"... **Mr. Justice Stevens** was a moot court judge at Notre Dame and at the U. of Chicago.... He attended the 7th circuit conference in Chicago May 6-8. He gave the commencement address at Valparaiso U., Indiana.

Forty-three hikers took part in a 185-mile walk from Cumberland, Maryland, to Washington along the C&O canal, celebrating the 25th anniversary of the long stroll begun by **Mr. Justice Douglas** and some editors of the Washington Post. Hikers this year reported millions of wildflowers, a wild goose nesting beside the Antietam aqueduct and a deer crossing the towpath just outside Washington.

Dr. Virginia V. Hamilton of Birmingham is doing a textbook on Alabama history in which **Mr. Justice Black** will be featured as one of the state's foremost sons. Dr. Hamilton earlier published "Hugo Black, the Alabama Years", and "Hugo Black and the Bill of Rights".... The Fleet Press has been at work on a book on Jewish notables including separate chapters on **Justices Cardozo** and **Brandeis**....

MR. JUSTICE WHITE

Dick Allen, a sports buff and editor of the ABA Journal, and John Duxbury, a columnist for the Sporting News, combined forces recently to remind their readerships of Mr. **Justice White's** career as a football player for the University of Colorado and for two pro teams, the Pittsburgh Pirates and the Detroit Lions. Duxbury, answering a question from Bob Canter of Arlington, Virginia, found the answers in "College Football All-Time Galaxy" and "Pro Football: the Early Years".

As Allen told his lawyer audience "White was one of that vanished breed—the triple-threat player, a term that finds no place in the modern world of specialized football. White ran, passed and punted. In his three college (varsity) years he averaged 5.5 yards as a rusher, 41.2 yards as a punter and completed 40 percent of his passes with an average gain of 5.5 yards per pass".

By comparison, according to Sporting News, the top college rusher in that era was Billy Sims of Oklahoma with an average gain of 7.6 yards, the leading punters were Maury Buford of Texas Tech and Tom Orosz of Ohio State with an average of 44.1 yards, and the leading passer Steve Dils of Stanford with a 63 percent completion rate.

"Keep in mind", Dick Allen told his ABA Journal readers, that "(White) also returned punts and kickoffs, intercepted passes, and kicked points after touchdown and field goals".

On graduating from Colorado the future Justice played on the College All-Star team which beat the Washington Redskins 28-16.

As a pro the Justice-to-be had a 40 percent completion rate passing, rushed for a 3.4 average gain, and punted for a 41.4 average in 1940-1941. He was the leader of the NFL in rushing in 1938 with 567 yards and again in 1940 with 514.

BACK OF THE BOOK

FROM AROUND THE BUILDING

LIBRARY

Thanks to the Department of Justice, we have a terminal now giving access to JURIS, their information retrieval system. Another terminal expands access both to SCORPIO (the Library of Congress data base) and to the New York Times information bank.

Books are being rearranged in the Library along subject lines to permit easier use of the collection. Vertical transportation (a book cart lift) is being provided for the bar stacks. This will improve use of an important book storage area.

Buck Row standing, studying copy in the Court print shop. In the foreground is **Al Skaggs** who is retired in Oklahoma. At the rear is **Herman Brooks** who retired to Indiana.

Librarian Roger Jacobs received an "outstanding leadership" award from Southern Illinois U. law school for setting up its law library. He was a member of the ABA-American Law School Association team inspecting the U. of Arkansas-Fayetteville School of Law during the week of April 8.... **Michael E. Gehringer,** Assistant Librarian (Research), passed the Virginia State Bar and was sworn in June 7 at the Virginia Supreme Court in Richmond.... **Nancy Taft Wynn** has a temporary appointment to the research staff. Holder of a Master's degree in Library Science from the U. of Maryland, she has worked in the D.C. Public Library and a variety of academic and private collections.... **Vincent Burke** received a grant from the Law Librarians' Society of D.C. to attend the San Francisco convention of their national organization.

OBITUARY

Condolences go to the family of **Wilson T. (Buck) Row** who died April 30. Buck was the supervisor of the Court print shop from the time it was established in the Fall of 1946 until he retired on June 30, 1970. Buck is survived by his wife, Dortha, four children and eight grandchildren. Burial was in Prospect Hill Cemetery in D.C. Buck was 74. (See photo on this page.)

VISITORS

Visitors included Bernard C. Hofley (Registrar) and Judith McCann of the Supreme Court of Canada. They were interested in the similarities and differences of operation of our two courts. Another caller was Toos Faber be Heer, information officer of the courts of Holland. In the Netherlands, the visitor recounted, the public area of the Supreme Court Hearing Chamber rarely is occupied. Justices give oral summaries but opinions carry no written headnotes. Only about 600 persons a year visit the court building, one one-thousandth of the number who come here.

ALUMNI

The Washington Star gave a two-column article to Assistant Attorney General **John M. Harmon,** Legal Counsel of the Department of Justice, and his staff of twenty lawyers, describing the group as "lawyers with a reputation as high as any in government". Mr. Harmon, 34, is a successor of **Mr. Justice Rehnquist** in the position, and formerly clerked here for **Hugo Black** and **Chief Justice Burger.** . . . **Eleanor May,** formerly of the Information Office, and an assistant editor of the Docket Sheet, has graduated from the U. of Virginia law school, will marry a fellow lawyer in September, and will work for a Hartford, Connecticut, law firm. . . . **Ken Ripple,** former assistant to the Chief Justice, paid a tribute to **Mr. Justice Marshall** at a commemoration of the 25th anniversary of Brown v. the Board of Education at Purdue U.

MEDICAL UNIT

by **Sarah Hall, R.N.**

Is your blood pressure above the 140/90 level? Come get it checked in room 8. One in seven adult Americans have high blood pressure. Regular medication can control the condition but lack of treatment can cause heart disease, kidney failure or a stroke.

SAVINGS BONDS

by **Assistant Marshal**
Dina Zucconi

April and May were savings bond months but any time is a good one for purchasing bonds. **Kathy Hance** in room 5 has forms. Last year $8 billion of bonds were purchased. They are a good way to help

HAPPY BIRTHDAY

In July to **Mr. Justice Marshall** on the 2nd and in September to the **Chief Justice** on the 17th and to **Mr. Justice Powell** on the 19th.

Also in July to:

1	**Vincent Burke**
5	**Warren Eggleston**
7	**David Douglas**
8	**Jim Duff**
12	**Michelle Odorizzi**
14	**Charles Parker**
15	**Warren Andrews**
16	**Yvonne Rogers**
17	**Calvin Todd**
	Ernest T. Mickens
19	**Coleman Williams**
21	**Jean Douglas**
	Howard Martin
	Walter Jackson
	Charles Smith
22	**Clinton Frank**
23	**Bob Marsel**
27	**John Drexhagen**
	James Henderson
28	**Janet Cooper**
	Bill McCormac
	Trudy Fry
29	**Morris Garner**
	David Westin
30	**Ernest Geisler**

in August to:

1	**Bob Higbie**
2	**Eugene Sartori**
	Cornelia L. Brown
3	**John Nichols**
4	**Henry Johnson**
	Edward Pitts
5	**Bill Gullickson**
8	**Lilas Gill**
9	**Ruth Billingsley**
	Arnettis Swinson
12	**Paul Smith**
13	**E. J. Shegonee**
15	**Walter Black**
	Mary Fowler
16	**Paul Taggart**
	Sam Seabrook
17	**Evelyn Limstrong**
18	**Gail Galloway**
	Robert Weaver
19	**Joe Smith**
21	**Jean Clemencia**
	Francis Kehoe
	Paul Richards
	Loretta Ruffin
	Donald Baker
27	**Sharron FitzGerald**
	Edith Parks
	Jeanette Dennis
28	**Maureen Mahoney**
	Joe Thompson
29	**Mark Cannon**
30	**Wanda Syverson**
31	**Louis Harmon**

And in September to:

1	**Thomas West**
4	**Teresa Ann Powell**
6	**Leonard Zawistowski**
9	**Kathy Hance**
	Freddie Scott
	Eula Mae Waiters
11	**Dot McKinney**
	Wendell Pugh
	Carter Phillips
14	**Oscar Alston**
16	**John Sullivan**
17	**Gregory May**
	Ed Schade
	Walter Pratt
19	**Constance Murphy**
21	**Cass Sunstein**
	Michael Rodak
	Jesse Scales
22	**Georgia McPhatter**
	Lorraine Frank
24	**Theresa Haslip**
26	**Nancy Porter**
	Theodore McGhee
27	**Dina Zucconi**
30	**William Murphy**

the country (easing the public borrowing) while aiding yourself (tax deferments and possible elimination of tax.)

MORE PEOPLE

Reporter of Decisions Henry Lind gave the annual Condon Lecture at the International School of Law (in process to become part of George Mason University). Henry recited the history of his office and explained its function*. Henry's recent promotion made an item for the Harvard Law School Bulletin. . . . **John Antonio** is on detail to Mr. Lind's office from the Government Printing Office following the retirement of **Paul Richards**. John served for the past nine years as a member of the GPO style board, a good preparation for his work with the Reporter of Decisions. . . . Assistant Reporter of Decisions **Tom Oliver** will attend a late July Harvard Law School "program of instruction for lawyers". . . .

Dave Maloof, a Summer intern in **Mark Connon's** office, was one of twelve chosen nationally for a State Farm Insurance Company "exceptional student fellowship" for the next academic year. He is a history major going into his senior year at Columbia. . . .

There are many new faces around the building: **Alan Gevinson, Nancy Taft Wynn, David Hotchkiss, Michael Guth, John Strand, Peter Newman, Daniel Long, Maggie Dupree, Tamah Terry, James Cohen, Ernest Mickens, Steven Ulrich, John Pierce, Larry Czechanski, Cornelia Brown, Laurel Kirchner, Roger Theodoredis, Marina Hsieh, Ed Giedgowd, Asyby Boyle, Grant Cannon** and **Mark Levin**. Greetings to all!

Clerk Michael Rodak Jr. attended the Monterey, California, convention of clerks of state appellate courts, a group he has addressed several times.

*See Docket Sheet of May 1979 for the Reporter of Decisions story.

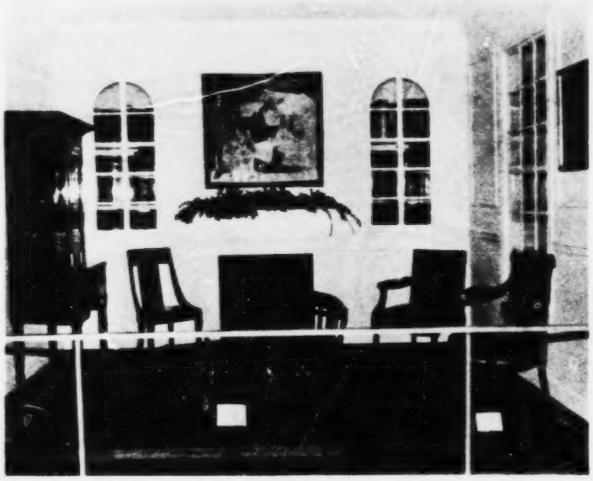
YESTERYEAR IN THE DOCKET SHEET

January, 1968: "A gold ring salute this month goes to Chief Deputy Clerk **Edmund P. Cullinan** for completing 42 years of federal government work and close to 38 years with the Court. . . . He goes back to the old days when the Court sat in the Capitol—when there wasn't much contact with the Justices because the latter worked in their homes and mainly came to the Hill for formal sessions. **William Howard Taft** had just retired when Mr. Cullinan joined the Clerk's staff. **Oliver Wendell Holmes** was a sitting Justice. . . . Mr. Cullinan is the first Chief Deputy Clerk in the Court's history, a position to which he was appointed on December 11, 1961. . . . A lawyer . . . . he had the honor of being the last person admitted to practice before the Supreme Court in the old Courtroom in the Capitol. This was on the last day of Court in 1935 and there was a line-up of more than 60 lawyer candidates, a big admission day for those times. Mr. Cullinan (was) a reporter for the U.S. Daily (now U.S. Law Week).... He was assigned to the Court and had to write a story on every oral argument. In May of 1930, **Charles Elmore Cropley**, the Clerk, offered him a job at better pay and his future with the Clerk's Office was sealed at that moment. . . . Mr. Cullinan has no hobbies except 'that evil television' and therefore he puts any thought of retirement out of his mind. "It would drive me crazy', he said as a conclusion.

TREASURE IN THE FILES

Looking through an old file on Justices in the Court Library, **Maeva Marcus** found a contemporary copy of a letter written by **John Jay** in Paris, September 17, 1782.

The manuscript is now in **Curator Gail Galloway's** office along with many other rare letters which have been rescued from their long slumber amidst the Library's records.



JAY EXHIBIT ROOM

In the 18th century it was customary for a writer (or scrivener) to duplicate letters by hand. This recovered letter has many of the characteristics of Jay's handwriting but some experts think there are differences indicating that the copyist may have been another.

The Jay letter was published originally with one paragraph about Jay's brother, Sir James Jay, deleted. Jay wrote the letter to an old Tory friend, Peter Van Schaack, who had moved to London. Jay told Van Schaack that he considered him a good friend even if their wartime loyalties had divided them. In contrast, Jay wrote about his displeasure with his brother, Sir James, who switched his loyalties to England only when he felt the Colonies would lose the war.

The formerly deleted paragraph describes the anguish of divided families in that period:

"If (my brother) after having made so much Bustle in and for America. . . has, as is surmised, improperly made his peace with Britain, I shall endeavor to forget that my father had such a son".

The John Jay exhibit on the ground floor, organized by Gail Galloway and **Susanne Owens**, continues to draw admiring crowds plus favorable comment from experts.

Shown in the photograph is the exhibit room which is part of the display. It is furnished with pieces which belonged to the first Chief Justice. The exhibit room itself was given to the Supreme Court Historical Society by Mr. and Mrs. Joseph Hennage and was restored and assembled in the Exhibit Hall by **Ed Douglas.**

In the center is the Jay family cradle, on loan from Mr. and Mrs. John Jay Iselin of New York City. On the left is a mahogany high chest attributed to Duncan Phyfe. (On the back of the chest is a shipping label addressed to John Jay at Katonah, Westchester County.) The chest is on loan from Ronald S. Kane of New York City.

Above the mantel is a photograph of Benjamin West's unfinished painting of the American Commissioners who negotiated the Treaty of Peace of 1783; pictured are John Jay, John Adams, Benjamin Franklin, Henry Laurens and Temple Franklin. (An interesting footnote to history is that—at least by legend—Lord Grenville, the British Commissioner, declined to sit with the group—hence the open, blank space at right.)

To the right of the exhibit room is an 18th century parlor chair with floral garland and crosshatch pattern needlework done by the wife of General Lafayette who gave the chair to John Jay. It is on loan from the Museum of the City of New York.

NEXT ISSUE: THE HANDSHAKE

The Docket Sheet is your publication. Share your doings and those of your colleagues. Visit us in room 30 or call us on 23211 or 23212. Take the Docket Sheet home. Share it with the family and keep a file as a record of your life at the Court.

The Docket Sheet is published by the Public Information Officer, **Barrett McGurn**, once in the Summertime, and every second month through the remainder of the year. Assistant editors are **Joan Sprince and Cecily Coleman.** Typesetting and printing are by DiCesare & Associates.

QUOTATIONS

"Mere speed is not a test of justice. Deliberate speed is. Deliberate speed takes time. But it is time well spent", **Mr. Justice Frankfurter** dissenting in First Iowa Hydroelectric Cooperative v. Federal Power Commission, State of Iowa, April 29, 1946.

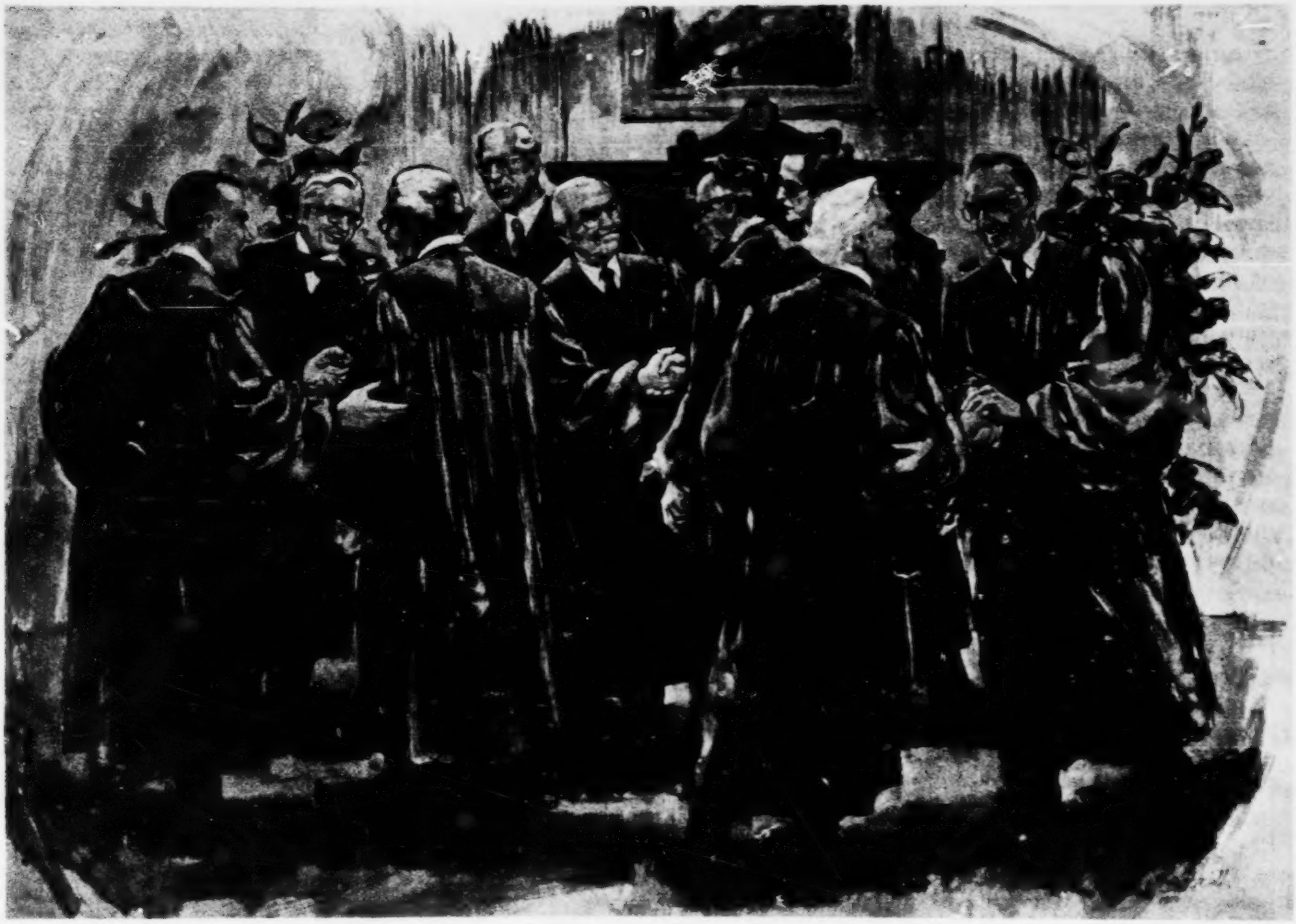
"It is embarassing to confess a blunder; it may prove more embarassing to adhere to it", **Mr. Justice Jackson** concurring in United States v. Bryan, May 8, 1950.

OCTOBER TERM 1979

The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 16, NUMBER 5 OCTOBER-NOVEMBER 1979



© BETTY WELLS

THE HANDSHAKE

(See Page 2)

A TRIBUTE TO THE COURT

By Colleen Condangelo, age 13

The building was huge.
The ceilings were high.
No one spoke
As we walked by.

We followed the tour guide
Into a big room.
We all took a seat.
It was quiet as a tomb.

There were nine chairs up front.
They were empty and still.
I thought of their owners
And I got a chill.

The guide started speaking.
He told about all
The laws that were made
Right here in this hall.

I listened and thought
About what I might be.
That's when I decided:
A lawyer! That's me!

(Miss Condangelo of Stoughton, Massachusetts, one among the scores of thousands who heard our messengers' courtroom presentation during the Summer of 1978, composed the above when her teacher of English called on the members of her class to write poems about an emotional experience. The Docket Sheet wishes her well in future legal and literary efforts.)

YESTERYEAR IN THE DOCKET SHEET

June, 1964. "**Frank B. Hathcock**, a Court employee for twenty-nine years who did not miss a day of Court since he started work . . . , retired June 22.

"Mr. Hathcock (was) well known by those who come regularly to the Courtroom. (He) served as a special officer in plainclothes during Court sessions. He had the power of arrest and it was his duty to maintain order, see that the traditional rules of decorum and dignity were observed, and to assist in the swearing in of attorneys at the Bar of the Court. Mr. Hathcock also was foreman of the labor force. . . .

"Frank came to Washington in 1930 from his native town of Canton, Georgia, to serve on a patronage appointment as a Capitol Policeman. . . . He first became acquainted with the Court in 1932 when he was assigned . . . on the Courtroom door during sessions in the Old Senate Chamber. When he lost his patronage in 1935, he returned to Canton but . . . **Chief Justice Hughes** . . . missed him and directed the Court's Marshal . . . **Frank Key Green** to wire him with an offer of a job. This was the year the Court moved across the plaza to the new building. (Frank was) a fixture at the Court ever since. (He) served under four Chief Justices and twenty-five Associate Justices. Before coming to Washington he was a stonecutter for nineteen years".

FRANK HATHCOCK

COVER BOX

Betty Wells' impression of the Justices' handshake provides the cover for this issue of the Docket Sheet. The painting was done for NBC-TV and is on display in the ground floor center corridor.

Shown from left to right are three groups, **Justices Stewart, Stevens** and **Marshall** in conversation while **Mr. Justice White** looks on, **Justices Brennan, Blackmun** and **Rehnquist** in the center, and the **Chief Justice** and **Mr. Justice Powell** greeting one another at the right.

The custom that each Justice shake the hand of each of the other eight (thirty-six handshakes in all) goes back to **Chief Justice Melville Fuller** of 1888–1910. The handshake symbolizes that whatever differences Justices may have in interpreting laws and the Constitution they are united in serving the same basic national covenant. The Justices exchange the greeting before each approach to the bench and prior to each conference.

Mr. Justice Burton discussed the origin in a conversation with CBS when he retired in 1958. He said that Chief Justice Fuller was "a small man in stature — about five feet three inches and (he) weighed about 120 pounds". The Chief Justice, he added, had "on his Court . . . several very large men weighing over 250 pounds and highly contentious".

On the word of one who has observed the handshake, NBC's artist made one mistake. In visualizing the scene she portrayed each of her three groups engaged simultaneously in the greeting. On the observed occasion the second Justice to arrive approached the first, the third came to the two and so on — the last going to each of the eight.

COURT BOOKLET

The 24-page black and white booklet on the Court's role in American life continues to be put to good use not only by our half million visitors each year, but also in grade schools, high schools, colleges, law schools and institutions and organizations of many kinds from the Philippines to Germany and from the Canadian Northwest Territories to virtually every American state.

Hundreds of thousands of the booklets are in use in a wide variety of school courses and among a range of disparate groups. The Southern Nash Junior High School in Spring Hope, North Carolina, uses the text in their "what is an American?" class. Westmoor Junior High School in Columbus, Ohio, fits the booklet into their "contemporary issues" course. The Franklin K. Lane High School in Brooklyn, New York, employs the brochure in its session devoted to "United States Government". For the West Monroe High School, Louisiana, the American history class is the place for the leaflet.

DESPERATION

A faint air of desperation whiffs from the letters of some schoolteachers as they thank the Court for a teaching aid which is informative and not quite as boring as some of the other civics instructional materials they have in hand. Paula Yonchak on one of her annual trips to Washington with seniors of the West Middlesex, Pennsylvania, high school noted to her pleasure that her charges "enjoyed reading" the Court booklet, thus inspiring her to make it part of her business law class. Mrs. Annie McCanless who teaches social studies in high school in Cobb County, Georgia, put the emphasis instead on the paucity of data of whatever kind. She wrote:

"I have found that my students have no idea what any of the branches of their federal government can do, especially the Supreme Court".

She added that if she could have a few copies "I can assure you they will get plenty of thorough use".

Some hundreds of miles away in the William Penn High School in New Castle, Delaware, Peter Perialas who teaches seniors echoed Mrs. McCanless' thoughts. He said:

"The Supreme Court is the least publicized part of the government (and) my students have many misconceptions about its role. . . ."

A measure of how much the Court booklet meant to her senior high school class in "the United States Courts and the law" was a note from Nancy Slotin from Savannah, Georgia. She wrote:

"We have no money allotted to buy these but I will purchase them personally if they are not too expensive".

SUGGESTION

Be sure to see the July issue of the A.B.A. Journal. The cover photo is a painting of **Gail Galloway** in her curatorial workroom. Inside are thirteen other full-color views of life here at the Court, all of them Betty Wells' NBC-TV paintings. The originals of many, but not all, of the sketches are in the current ground floor central corridor exhibit where Dick Allen, editor of the Journal, first saw them. Several are the same pictures which have appeared in black and white on the Docket Sheet cover including this issue. Shown are the 13-ton front doors, the spiral staircases, the library, the press area, the Justices' conference room, all the Justices, **Al Wong**, and **Officer Geisler**.

VETERANS, GIRL SCOUTS

Religious groups, veterans organizations, Congressmen's and senators' offices and a wide array of other entities have found profitable uses for the brief story of the Court. Hadassah, the women's Zionist Organization, asked for hundreds of copies for use at their convention. Ramona Cohen, hospitality chairman, extolled the small book as "informative, educational and useful". A similar appeal came from the Association of Christian Teachers at the Bob Jones University in Greenville, South Carolina, where Karen Ratliff said the brochure would be helpful in the formation of missionaries bound for "all fifty states and several foreign countries." Vincent Woodbury, history teacher at the St. Pius X preparatory seminary on Long Island in New York expressed parallel sentiments. The Veterans of Foreign Wars in California made arrangements to distribute scores of copies, and Girl Scout Troop 765 in Norwood, Ohio, found a place for the pamphlet in their program.

When **Mark Cannon's** office worked on the preparation of the booklet's current text early in the nineteen seventies his staff may not have envisaged the breadth of uses to which the booklet has been put. The Turtle Mountain Community School in Belcourt, North Dakota, run by the Bureau of Indian Affairs, has requested dozens of copies. So has the senior citizens' "Rights and Responsibilities" class at the Belpre High School in Ohio. Every prison library in the Windham school district in Texas has stocked a copy of the Court story. The "pre-vocational services" of Southside Virginia Center for the Mentally Retarded has twenty copies in use.

(Continued on page 4)

"TURN OFF THAT LIGHT"

The urgent recommendation to everyone to cooperate with the President's energy conservation campaign is a familiar sight now in all corners of our building.

These are some other measures which have been taken:

Each office has an energy monitor whose responsibility it is to see that air cooling does not go below 78 degrees in the warmer months nor heating above sixty-five during frostier periods. Changed "clothing styles", presumably meaning some use of sweaters during the winter, have been suggested for the Hill by the Architect of the Capitol.

The "turn off that light" signs reflect the fact that many of our high-ceilinged work areas are illuminated by fluorescent tubes covering much of the ceiling surface. These are big energy users. If the last one out of each office will throw the switch many dollars and units of energy can be saved.

Built in the Thirties, our building has a lighting system which limits flexibility. Whole banks of lights are controlled by a single switch. Loosening alternate bulbs in the Justices' corridor has cut back on unnecessarily high illumination levels.

The 65-degree winter level of heating will be new to some although those who have travelled in Europe in the cold months will recall that cooler building temperatures long have been more common there. The **Chief Justice's** inner work office always has been at 65 in winter. Exceptions in this building are being made for the computer room (68 to 70 in Summer to avoid malfunctions at higher temperatures) and the library (72 in Summer with a 50 percent relative humidity — give or take five percent). Serious harm could come to our 250,000 books at higher temperatures. Heat breaks down chemicals and adds to mold and fungus. Glues, paper and parchments become fragile. The recent experience of the Winthrop Library in South Carolina demonstrated this.

Court Booklet

(Continued from page 3)

COLLEGES

Circuit Judge Robert E. Beach in Florida uses the booklet in his classes at the Stetson Law School. Dozens of other colleges, universities and law schools are using the brief description of the Court and its Justices, some of them as reference works in libraries, some in teacher training programs, some in the instruction of lawyers. Colleges of every type are included: Hiram in Ohio, Stonybrook in New York, the U. of Kentucky, Lewis-Clark in Idaho, Indiana U., Bristol Commercial in Tennessee, Immaculata in Pennsylvania, the U. of Pittsburgh, Louisiana Tech, Purdue, the U. of Virginia in Charlottesville, South Carolina State, Southwest Baptist in Bolivar, Missouri, St. John's in Jamaica, New York, William and Mary in Williamsburg, Virginia, the U. of North Carolina, Michigan State, Southwestern Adventist in Keene, Texas, and the U. of Arizona, touching on but a few.

Linguistically and geographically there is variety in the booklet's distribution too. The French American Bilingual School in San Francisco introduced the booklet into its curriculum. So have schools for American military dependents in Subic Bay and at Clark Airforce Base in the Philippines, in Zama, Honshu, in Japan, and at Wurzburg in Germany. Canadians at the St. Philip School in Regina, Saskatchewan, in the Mannville school in Alberta, and at the Diamond Jenness secondary school at Hay River in the Northwest Territories also have appeared to profit from the brochure.

"IMFORMATION"

The booklet's value in making the Court better understood depends in great part on the curiosity and enthusiasm each tourist or pupil brings to the small work, but letters such as that from Todd Lane, aged 9 or 10, suggest that there are sufficient quantities of both qualities. Writing from grade four in the Todd Lane Middle School, Monaca, Pennsylvania, and addressing himself to the "Public Imformation Directer (sic)", Todd spelled out his class wishes:

"We would like more imformation about the Supreme Court . . . names of Justices, how you were picked, and how the Supreme Court got it's name. . . . There are fifty-five . . . in our class. . . ."

QUOTATIONS

"Civilization involves subjection of force to reason, and the agency of this subjection is law", **Mr. Justice Frankfurter** in the United States v. United Mine Workers, March 6, 1947, quoting Dean Roscoe Pound.

"A river is more than an amenity, it is a treasure", **Mr. Justice Holmes** in New Jersey v. New York, May 4, 1931.

LONG TERM

The Court made a bit of history this year with a 12-month Term, by far the longest in the Court's two-century story.

The Court's first years, in the 18th century, were characterized by the brevity of the Terms. The first, in February, 1790, took less than a week. Even as late as 1793, in Philadelphia, Reporter of Decisions **Alexander Dallas** was able to sum up the whole of the August Term of that year in half a page of the United States Reports (480 Dallas 2). The fourth and final paragraph of Mr. Dallas' coverage of that Term combined legal and medical news:

"The Malignant Fever, which during this year, raged in the City of Philadelphia, difperfed the great body of its inhabitants, and proved fatal to thoufands, interrupted, likewife, the bufinefs of the Courts; and I cannot trace, that any important caufe was agitated in the prefent Term".

The Court's initial period saw several Terms each year, often in February, August and December. In 1844 Congress relieved the Justices of some of their circuit court burdens and a lengthened Autumn-Spring Term starting on the second Monday in December was instituted. The Act of 1873 moved the starting date back to October's second Monday, and a further Act, of 1917, established the more recent custom of a single annual Term beginning on the first Monday in October.

Finishing dates for the Court Term have ranged in this century from May 24 as the earliest date (1909) to July 24 (1974, the year of the U.S. v. Nixon case) as the latest.

By extending the 1978 Term after the Court's July 2 adjournment to the day before the first Monday in October the Court, in effect, remained in session through the Summer, able to take care of urgent business without resorting to the machinery of a Special Session. Continued in the future, twelve-month Terms would mean that the Court will be ever ready, more conveniently than in the past, to act in emergencies.

MARSHALL "PORTRAITS"

Two portraits purported to be of **John Marshall** and **Polly Marshall** made the news this summer. The portraits were donated in good faith to the Supreme Court Historical Society in 1977, but upon delivery to the Court, it was determined that they were not portraits of the Marshalls.

A gift is not formally accepted until all authenticating procedures have been completed, including a study of the object's provenance. The Court's curator, **Gail Galloway**, recognized immediately that at least the portrait of Mrs. Marshall was incorrectly identified. The **Chief Justice** was notified of the problem and of all actions taken to determine whether or not the portraits were authentic.

Curators of several institutions were contacted, as was Andrew Oliver, the author of the definitive book on portraits of John Marshall. The conclusion was that the paintings were not of the Marshalls nor were they by the indicated artists, Ames and Vanderlyn. A review of the provenance of the portraits revealed many inaccuracies. A long history of these portraits being offered to museums was uncovered.

When a determination was conclusively made that both portraits were erroneously identified, the donor was notified and asked to forward the charges incurred for the return of the portraits.

•

THE COURT IN HISTORY

190 years ago, October 19, 1789. Forty-four year old **John Jay** sworn in as the first member of the Supreme Court of the United States.

185 years ago, November 19, 1794. Lord Greenville and Chief Justice Jay sign the Jay Treaty, in effect postponing the war of 1812.

180 years ago, 1799. John Marshall represents Virginia in Congress, beginning a two-year period during which he served in all three branches of the federal government.

150 years ago, November 26, 1829. Death of **Mr. Justice Bushrod Washington**, nephew of George Washington, and the first Justice appointed after the end of the Washington administration.

50 years ago, 1924. James Fenimore Cooper publishes "The Spy", a novel based on John Jay's accounts of Revolutionary War intrigues.

25 years ago, 1954. The Post Office Department begins a six-year use of a John Jay 15-cent stamp.

Library

Supreme Court of the United States

By Sharron FitzGerald

Among books of interest:

DREYFUSS, Joel. The **Bakke** Case, the politics of inequality. Harcourt Brace Jovanovich, 1979.

WARSHAW, Thayer S. Religion, education and the Supreme Court. Abingdon, 1979.

BACK OF THE BOOK

FROM AROUND THE BUILDING

AWARDS

The Court's incentive awards program, designed to recognize especially meritorious contributions by staff members, has two winners in this its second year*. They are **Gail Galloway** and **Kent Bloom**. Each received a cash award of $1,000 and a certificate of merit.

GAIL GALLOWAY

Miss Galloway, the Curator of the Court, was cited for a significant contribution to "scholarly and public interest in, and understanding of, the unique role of the Supreme Court in our nation's history". Mention was made especially of the current exhibits of the Betty Wells' made-for-TV paintings of Court scenes, and the collection of **John Jay** memorabilia. A congratulatory letter from Acting Personnel Officer **Jim Robbins** added that "the collections of art, photographs, films and furnishings which you have displayed also perform an important role in educating the public by placing the work of the Court in a meaningful historical context".

Mr. Bloom contributed to the development of computer services at the Court for five years until he left Court employ during the past Summer. He was honored for a notable contribution to improved technological support systems at the Court, specifically the automation of docketing and case management in the Clerk's Office, and the development of specifications for a word processing and publication system aimed at the use of computers in the printing and publishing of the Court Opinions.

*First recipient of a similar award was **Linda Blandford**, secretary to **Mr. Justice Powell**, who was honored in 1978 for pioneering use in Justices' chambers of advanced word processing equipment.

LIBRARY

By *Roger Jacobs*

Is there a law journal article you need for your work? The odds are that we have it in the Library for we subscribe at present to almost all the 417 law journals noted in the Index to Legal Periodicals. On our shelves are, of course, the Harvard Law Review, the Yale Law Journal, the Columbia Law Review and the Michigan Law Review, but there are also the products of newer law schools and specialized offerings of various of the legal campuses. The Southern Illinois University Law Journal, the William Mitchell Law Review and the Michigan International Law Journal are examples. We know from check-outs that these are of value: just over a fourth of the materials circulated by the Library are copies of law journals. No other category of items is in such demand. Another measure of the importance of these materials is provided by LEXIS: during the past twelve months journals have been cited in Court Opinions more than 265 times.

ARRIVALS AND DEPARTURES

Marc Richman, the Senior Legal Assistant, has returned to the Department of Justice. He is a senior attorney in the Civil Division, Appellate Staff. . . . **James Donovan** is the new computer specialist. He was formerly chief of information systems of the Maryland Department of Public Safety and Correctional Services. . . . **Gloria Elder** who was a managing secretary at the Department of Justice is serving in a similar capacity in the Secretarial Support Unit. . . . **Franklin Kenney** has succeeded **Bernice Turnipseed** in the Clerk's Office as a computer programmer. . . . **Norma Smedley** and **Deborah Pitts** have joined the housekeeping section. . . . **Dan Marconi** has gone to the Department of the Army accounting staff. . . . **Alan Gevinson** has left the Library to take a masters in cinematography at N.Y.U.

Mrs. Lilas Gill was guest of honor at a farewell July 26, concluding thirty-six years of service to the Court. Mrs. Gill was the cheery operator of the elevator in the center of the building. She came to the Court at the time of **Chief Justice Stone** during World War II, not many years after this building opened. Her first years were as a housekeeper. She became an elevator operator seven years ago. Solicitors General Wade McCree and Robert Bork rode her elevator so often she thought of them virtually as staffers. Spotting celebrity visitors were part of what Mrs. Gill saw as the fun of her job: high on her list of those she noticed were Senator Edward Kennedy, Secretary of State Cyrus Vance and the actor, Peter Graves, of TV's "Mission Impossible."

GIDEON'S TRUMPET

Filmmakers were busy this Summer turning Tony Lewis' book, Gideon's Trumpet, into a 2-hour movie. With John Houseman as producer and Henry Fonda planned for a major role, the picture is designed to retell the story of Gideon v. Wainwright (372 U.S. 335). Affirming the right of indigents to court-appointed counsel in criminal cases, Gideon was argued January 15, 1963, with the future **Mr. Justice Fortas** as counsel for the plaintiff. The Court acted March 18 of that year with **Mr. Justice Black** speaking for the Court.

CONDOLENCES

Condolences go to **Louise Graves, Spencer Campbell,** and the families of **Mrs. Gertrude Jenkins Regis** and **McQueen Hampton**.

Mrs. Graves' mother died in April. Funeral services were in Baltimore where she had lived for many years. Mrs. Spencer Campbell, whose husband was for many years a messenger to Justices, died June 15. McQueen Hampton was a Court employee for thirty-one years. Born in 1912 in Cope, South Carolina, he joined the staff of the Senate at age twenty-five, working for the next four years as a waiter there. He came to the Court in 1941 as a laborer, became assistant foreman of the labor force in 1953 and, from 1964 until his retirement in 1972, was foreman of the force.

Mrs. Regis was secretary to **Justices Frankfurter** and **Stone**. She died June 11 in St. Louis.

MORE PEOPLE

Marshal Al Wong, Librarian Roger Jacobs and **Acting Personnel Officer Jim Robbins** attended a seminar of the Office of Personnel Management on the appraisal of worker performances. . . . **Joan Sprince**, assistant to the Public Information Officer, and assistant editor of the Docket Sheet, resigned after three years' service to study law at the University of Virginia. . . . **Louise Graves** vacationed on a barge in France.

SPORTS

By **Tom West** and **Beth Cooper**

Our two softball teams took early leads in Capitol Hill competition, the Court team winning five out of the first seven, and the police team seven out of the first eight. The Court team triumphed over the clubs of Senators Danforth, Prior, Tower and Bumpers (losing to those of Senators Eagleton and Schweiker). The Court unit is in the Senate Staffers league and the police in the federal judicial circuit (Justice, the AO and others). **Officer Josh Brooks** starred for the police in early play with the highest average of hits and runs, while **Sergeant Willie Williams** was another ace with an .818 batting average and four homers.

POLICE

By **Beth Cooper**

Officer Luther Isaacs placed sixteenth in a field of 667 runners in a benefit for the families of incarcerated veterans. His time for fifteen miles: one hour, fifty-seven minutes, fifteen seconds. . . . New to the force are **Ernest Mickens, Steven Ulrich, Robert Martin.**

DID YOU KNOW

That a venerable bit of Americana in the field of sports traces in part to a former Chief Justice? The Los Angeles Times says that **William Howard Taft** (Chief Justice from 1921 to 1930) went to a Washington Senators game in 1910 and pitched out the first ball. Mr. Taft was President at the time and, according to the newspaper, surely was the first President ever to perform the now hoary rite. But was Mr. Taft the first non-player ever to have the honor of tossing the first ball? The Times thinks otherwise. According to its information, the mayor of Philadelphia one year earlier at a Philadelphia A's —Boston Red Sox game acquired that distinction.

HAPPY BIRTHDAY

In October to **Mr. Justice Rehnquist** on the 1st and **Mr. Justice Douglas** on the 16th, and in November to **Mr. Justice Blackmun** on the 12th.

Also in October to:

1	*Pat Evans*
6	*Charles Canty*
8	*Thompson Payne*
9	*Carolyn Sand*
10	*Richard Clary*
12	*Henry Lind*
16	*Rachael Roane*
14	*Joseph M. Anzallo*
17	*Geoffrey Miller*
20	*Joseph Reil*
	Eileen Cincotta
21	*Iris Lee*
22	*Theodore Truban*
	Jane Korte
23	*Faye Veney*
24	*Ollie Jackson*
29	*David Hall*
	Della Watts
	Cindy Murphy
30	*Susanne Owens*

And in November to:

3	*Marge McFarland*
	Francis Stidhams
4	*Daniel Long*
5	*Lillian Tyree*
	Deborah Boone
6	*Allen Burgoon*
7	*Ruth Robinson*
	Thomas McGough
8	*Grafton Gaines*
	Mitchell Willis
9	*Nellie Pitts*
10	*Jo Clark*
	Dan Coenen
11	*Beverly Eaves*
12	*Johnnie Shaw*
16	*Luther Issac*
21	*Annie Bethea*
23	*Sandy Nelsen*
27	*Benna Solomon*
28	*William Thornton*
	Michael Chertoff
29	*Linda Blandford*
	Sara Sonet

THE JUSTICES

The months of July and August saw the Justices occupied in a variety of ways. Some remained close at hand in the Washington area, some travelled.

The **Chief Justice** addressed the 9th Circuit conference in Sun Valley, Idaho, and the conference of chief justices of state courts in Flagstaff, Arizona. . . . **Mr. Justice Stewart** took part in a European-American discussion of "the European Common Market and the American Constitution" at the Bellagio Study and Conference Center on Lake Como in Italy. Faculty members of American and Continental universities (many of them from the University of Michigan) read papers. The Justice discussed the Commerce Clause.

Mr. Justice Blackmun took part in a Harvard Class of 1929 fiftieth anniversary symposium in Cambridge. With Professor Norval Morris, former dean of the Chicago U. law school, he moderated the Aspen Institute's first seminar on Justice and Society in Colorado. He gave a prayer breakfast address at the ABA convention in Dallas. . . . Also at the ABA assembly were **Mr. Justice Powell** receiving the ABA gold medal for outstanding service to the cause of American jurisprudence, and taking part in a judicial administration discussion; and **Mr. Justice Stevens**. . . . **Mr. Justice Rehnquist** was in Salzburg, Austria, as a faculty member in a legal studies group.

As is usual every Summer cert petitions followed some of the Justices on trips outside Washington, or accumulated here pending their return. In Summer or out of Summer the new cases arrive at roughly eighty a week. Just after Labor Day traveling Justices were back in their Chambers preparing for the final week of September when 1,000 cases were reviewed in preparation for the October 1 Orders List.

The Harvard Law School has added a sixth bronze bust to its collection honoring judges of American history. To those of **Justice Holmes, Brandeis, Cardozo** and **Frankfurter**, and of Judge Learned Hand another has been added, that of **Mr. Justice Marshall**. The sculptor was Reuben Kramer. Calling the work "a good likeness", Massachusetts Supreme Court Justice Benjamin Kaplan said at the dedication:

> "The man behind the statue, one feels, is a big man, not only physically, but in spirit and comprehension. He has seen much, and worked hard, and been battered. The artist has caught the man in a mood of sadness, and somehow pictured his inner diffidence of reserve. But the face not cast in metal can light up with a gaiety that bespeaks an ultimate and unquenchable optimism about humanity".

Law reviews had many articles on members of the Court, past and present. "**Justice Brennan's** reflections on judicial modernization" ran in the Rutgers Camden Law Journal. The N.Y.U. Law Review dedicated its April 1979 issue to Mr. Justice Marshall on the occasion of the 25th anniversary of Brown v. the Board of Education. The law reviews of Vanderbilt, the U. of Chicago, St. Louis U. and the U. of Puget Sound, all carried articles on Mr. Justice Stevens and his first three years on the Court. The Reporter paid "a special tribute to **William O. Douglas**" in this year's March-April issue. Former Law Clerk **Vern Countryman** contributed a piece on Mr. Justice Douglas and the 4th amendment to the Iowa Law Review. Other articles included one on **Mr. Justice Burton** (Cleveland State Law Review), "Benjamin Cardozo, A Judge Most Eminent" (ABA Journal), "Louis D. Brandeis on legal education", American Journal of Legal History, "Ralph Waldo Emerson, Mr. Justice Holmes and the idea of organic form in American law" (New England Law Review), and "The 18th century background of **John Marshall's** constitutional jurisprudence" (Michigan Law Review).

Exterior of William O. Douglas Federal Building, Court House.

The Yakima Valley Museum in Yakima, Washington, boyhood community of Mr. Justice Douglas, has plans for expansion should the Justice bequeath his books and papers to it, the Associated Press reported. The post office and courthouse of Yakima already has been renamed for the Justice (Photo above).

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HAPPY HOLIDAYS!

The Docket Sheet

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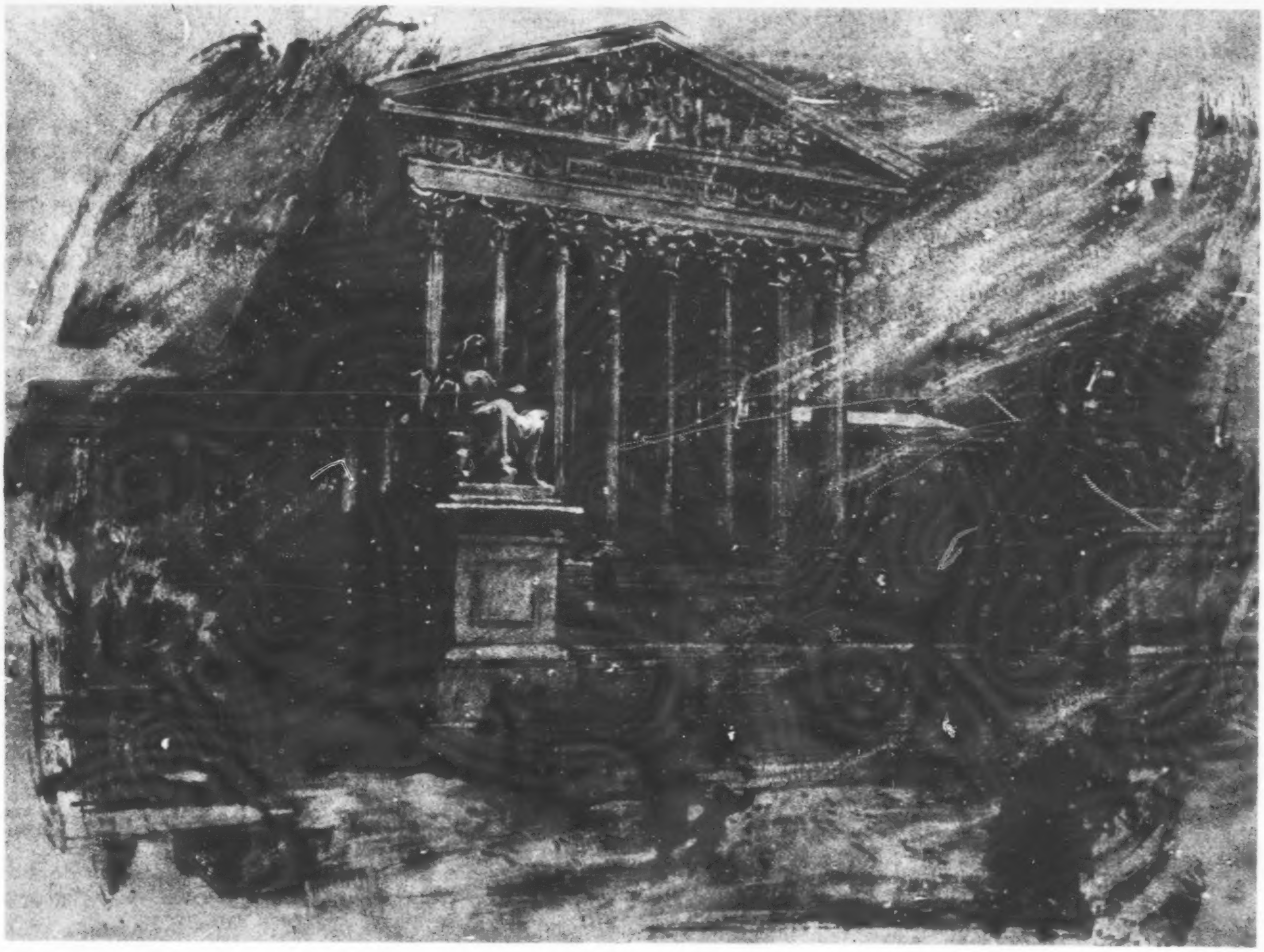

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WINTERTIME

(See Page 2)

JUSTICES IN ACADEME

The 1979 yearbook of the Supreme Court Historical Society points out that many of the 101 Justices of history have made significant contributions off the bench as scholars, members of university staffs and authors of books. Here are some of the items Professor **William F. Swindier** of William and Mary Law School came up with in his article:

John Jay (the first Chief Justice, on the Court from 1789 to 1795). He studied at King's College (now Columbia U.), and read law under a leading New York lawyer, Benjamin Kissam.

James Wilson (1789-1798). He studied at St. Andrew's in Scotland, and taught law at the College of Philadelphia while serving as a Justice. This was only the second law professorship in the country's history. (See the note about George Wythe under the **John Marshall** entry below). Wilson read law under the revolutionary John Dickinson and in turn taught law to a future Justice, **Bushrod Washington** (1799-1929).

John Rutledge (1790-1791). He studied law at the Middle Temple in London.

John Blair (1790-1796). Another Middle Temple student, who was later an honor graduate of William and Mary.

William Paterson (1793-1806). He took an A.B. and an M.A. from Princeton.

John Marshall (1801-1835). When Virginia Governor Thomas Jefferson (later President) established the nation's first law professorship at William and Mary, Marshall studied under the first occupant of the chair, George Wythe. Marshall was the author of the five-volume "Life of George Washington".

Henry Brockholst Livingston (1807-1823). He attended Princeton and studied law in the office of Coatesworth Pinckney, a delegate to the 1787 Constitutional Convention.

Joseph Story (1812-1845). He served as a law professor at Harvard while he was a Justice. A prolific writer on the law, his works went through seventy editions. His three-volume "Commentaries on the Constitution" (1833) was the first definitive treatise on the work of the Marshall Court.

Henry Baldwin (1830-1844). He read law under **Judge Alexander J. Dallas**, the Court's first Reporter of Decisions. In 1837 he published "A General View of the Constitution and Government of the United States . . . from 1774 to 1788".

COVER BOX

"Wintertime", the cover of this issue, is Betty Wells' impression of the Court in the cold months. Mrs. Wells labored off and on for a year to document life at the Court for NBC-TV, working up scores of paintings of which this was one. The ground floor center aisle has displayed many of the Wells paintings for the past year.

Samuel F. Miller (1862-1890). His "Lectures on the Constitution of the United States" were published in 1891. **Reporter of Decisions J.C. Bancroft Davis** was the editor.

Lucius Quintus C. Lamar (1888-1893). He taught mathematics and law at the University of Mississippi.

David J. Brewer (1890-1910). He edited twenty volumes of best essays and speeches, and wrote several books including "The Twentieth Century from Another Viewpoint".

Henry Billings Brown (1891-1906). He edited "The Dissenting Opinions of **Mr. Justice Daniel**" (Peter V. Daniel, 1842-1860), and other works including "Judicial Independence" (1887).

Oliver Wendell Holmes (1902-1932). He produced a half dozen works including "The Common Law" (1883) which Professer Swindler says has been on every law school dean's recommended list ever since.

Charles Evans Hughes (1910-1916, 1930-1941). He produced several books including "The Supreme Court of the United States; Its Foundation, Methods and Achievements" (1928).

Louis D. Brandeis (1916-1939). His writings fill several volumes including "A Brandeis Guide to the Modern World", edited by Alfred Leif, and published in 1941.

William Howard Taft (1921-1930). Between his Presidency and his Chief Justiceship he lectured at Yale Law School. He wrote a number of books including "Popular Government: Its Essence, Its Permanence and Its Perils" (1921).

Harlan F. Stone (1925-1946). He was dean of Columbia law school (1910-1923).

Owen J. Roberts (1930-1945). On retirement from the Court he became dean of the U. of Pennsylvania law school.

Benjamin N. Cardozo (1932-1938). He wrote several books including "The Nature of the Judicial Process" (1926).

Felix Frankfurter (1939-1962). He was a Harvard law professor from 1914 until coming to the Court. There are a dozen books by or about him including "The Business of the Supreme Court" which he wrote in collaboration with **James M. Landis**, his 1925 law clerk.

William O. Douglas (1939-1975). Columbia and Yale Law schools "virtually fought over" the future Justice, considered him "the most brilliant young teacher in the early 1930's", Professor Swindler recounts. The dozens of Douglas books range from such volumes as "Cases and Materials on the Law

(Continued on page 7)

THE LIBRARY'S PRIZE BOOKS

Our library's quarter of a million books include no copy of the Gutenberg Bible but there are several other ancient examples of the printing art which trace the origins of Anglo-American law back to the Middle Ages.

The books are part of our **Elbridge Gerry*** collection. Librarian **Roger Jacobs** showed them proudly recently to a group of government librarians. Make a point of seeing them. For fullest enjoyment, however, it is fair to warn that you should have a workmanlike grasp of Latin and medieval French. If you fancy snappy short titles some of the volumes will fall short of your preference. Among the tomes are these:

Le Grand Coustumier du pays et duche de Normandie, 1539. Hale in his History of Common Law says that the Grand Coustumier was compiled by 1270 and possibly as early as 1180. The book lists ancient laws of Normandy which continued to serve as the laws and customs of England during the reigns of Henry II, Richard I and King John.

(A pencilled note inside the volume remarks that Mr. Gerry paid $45 to import the work from England in 1865. Mr. Gerry added: "But one other copy is in this country, that in the library of the late Wm. Curtis Noyes, left to Hamilton College, Oneida Co. This copy is a very fine one and perfect in every respect").

Henrici de Bracton de legibus et consuetudinibus Angliae libri, London, 1569. This copy of "Bracton" was formerly the property of William Ayscough, a tutor of Queen Mary who occupied the English throne from 1553 to 1558. "Bracton" was written in the middle of the thirteenth century by Henry of Bratton or of Bretton who died in 1268. It has been described as the first great institutional work dealing with the common law of England, an effort unrivalled in literary style and completeness of treatment until the commentaries of Blackstone. This is the Tottell edition, printed in the sixteenth century from one of the forty or fifty extant manuscripts of Bracton.

Statham's Abridgment, approximately 1490, two years or so before Columbus discovered America. Published in the Anglo-Norman language, the book was imported from the Lincoln's Inn Gateway lawbook sellers in December 1863 at a cost to Mr. Gerry of $35. This has been called the first English predecessor of the modern case law digests. Tailleur or Le Talleur in Rouen seems to have done the printing for a Mr. Richard Pynson, but the book has no title page or date. Nicholas Statham is believed to have been the author but there is no certainty of that. This was the earliest printed abridgment of Year Book cases. THere are 258 titles in rough alphabetical order, condensing 3,750 cases.

A Chronicle at large and meere history of the affayres of Englande and kings of the same, deduced from the creation of the world, unto the first habitation of thys islande, and so by contynuance unto the first yere of the reigne of our most deere and sovereign lady, Queen Elizabeth, collected out of sundry authors whose names are expressed on the next page of this leafe, 1569. This book with the windy title is also known as "Chronicle". It is by Richard Grafton, "citezen of London". It is a history of early England and is valued by bibliophiles because of a wood-engraved frontispiece with portraits of sovereigns of England and their presumed forebears: Saul, Moses, Brutus, David, Solomon, William the Conqueror, ER (Elizabeth Regina) and Henry VIII.

Joannis Seldeni, Jurisconsulti opera omnia, tam edita quam inedita, in tribus voluminibus, volume I, 1726. This is the biography of John Selden, an English lawyer and Renaissance man of many talents who lived from 1584 to 1654. The work is in Latin.

Les Reports des cases argue et adjudge in le temps del' Roy Edward le Second. . . Solonq . . . les ancients manuscripts ore remanent en les maines de Sir Jehan Maynard. . . serjeant de la ley al la Tres Excellent Majesty Le Roy Charles le Second, London, 1678. Holdsworth in his "Sources" says that this compilation of the English "year books" was published first between the years 1587 and 1609. Actions of the law courts from the time of King Edward III through that of Henry VIII

(Continued on next page)

QUOTATIONS

"The bite of law is in its enforcement", **Mr. Justice Frankfurter,** dissenting in Fisher v. the United States, June 10, 1946.

If we would guide by the light of reason, we must let out minds be bold", **Mr. Justice Brandeis,** dissenting in New State Ice Company v. Liebmann, March 21, 1932.

THE COURT IN HISTORY

300 years ago, 1679. "Habeas corpus" becomes law in England.

215 years ago, January 23, 1765, Thomas Todd, a Jefferson appointee to the Court, born in Virginia.

150 years ago, January, 1830, John McLean and **Henry Baldwin,** Andrew Jackson's first selections, join the Court.

115 years ago, December 6, 1864, Abraham Lincoln nominates his defeated Presidential opponent, **Salmon Portland Chase,** to be Chief Justice.

95 years ago, December 31, 1884, Birth of **Mr. Justice Reed.**

90 years ago, January 22, 1890, Birth of **Chief Justice Vinson.**

WOMEN LAW CLERKS

More women are serving as law clerks this Term than served in the first 85 years of law clerking here at the Court. There are six. In those first 85 years there were only four.

The increase in the number of women law clerks has kept pace, or perhaps outpaced, female representation in other parts of the legal world. Sandra Miller in the current issue of INCL Brief, the quarterly newsmagazine of the ABA's section for Insurance, Negligence and Compensation Law, gives these statistics: As late as 1970 only 2.8 percent of American lawyers were women. Currently the proportion is about 10 percent. In law schools about 30 percent now are women and in some law school first-year classes the majority are from the distaff side.

Law clerking started at the Court in 1886 when **Mr. Justice Horace Gray** invited **William H. Dunbar** to assist him for the following two Terms. A parade of young men followed, many of them eminent figures later in national life, but it was not until 1944 that **Mr. Justice Douglas** chose a woman, **Lucille Lomen,** as his sole clerk for that final wartime Term.

Twenty-two years went by before another Justice, **Hugo Black,** invited a women to clerk. She was the daughter of a former clerk: **Margaret Corcoran,** daughter of Thomas (Tommy the Cork) Corcoran, a Franklin D. Roosevelt "brain truster", and a clerk of **Oliver Wendell Holmes.**

Then the modern era of clerking began. **Mr. Justice Fortas** chose **Martha Alschuler** in 1968. **Mr. Justice Marshall** selected **Barbara Underwood** in 1971. There has been no Term since then without a woman clerk. Each of the nine chambers of the current Court has had the distaff side clerking. In 1972 there were three women clerks, in 1973 one, 1974 four, 1975 three, 1976, another three, 1977 the record (seven), and in 1978 five.

Mr. Justice Douglas was the first to have two women law clerks in the same Term, **Janet Meik** and **Carol Bruch** in 1972. In 1974 both Justices Marshall and **Blackmun** each had two women clerks, **Vicki Jackson** and **Blackmun Silberman** for the former, **Charlotte Crane** and **Ruth Glushien** for the latter. Again last year Mr. Justice Mashall had two women law clerks, **Sondra Berchin** and **Deborah Rhode.**

The women law clerks this Term are **Benna Solomon (Mr. Justice White's** chambers), **Janet Cooper** (Mr. Justice Marshall), **Penda Hair** (Mr. Justice Blackmun), **Mary Ellen Richey (Mr. Justice Powell), Maureen Mahoney (Mr. Justice Rehnquist) and Michele Odorizzi (Mr. Justice Stevens).**

PRIZE BOOKS

(Continued from page 3)

were included. In this edition cases of the era of King Edward II were added. Publication of these legal year books began within the first decade of the introduction of printing into England. Except for plea rolls the year books are described as the sole firsthand evidence available showing the development of English law through the Middle Ages. So far as content is concerned Holdsworth had caustic words for this volume. Not only was there no sign of careful editing but the printing, he said, was so bad "that it is impossible to make sense of many of the cases". No careful Reporter of Decisions was at work as Sir John Maynard guided his copy to the printers.

Monasticon Anglicanum or the history of the ancient abbies and other monasteries, hospitals, cathedral and collegiate churches in England and Wales with divers French, Irish and Scotch monasteries formerly relating to England, collected and published in Latin by Sir William Dugdale. 1693, London.

Modern cases argued and adjudged in the court of King's Bench at Westminster in the reign of her late Majesty Queen Anne in the time when Sir John Holt sat Chief Justice there. . . . None of the cases were ever before printed. 1725. These are known as the "Modern Reports". Veeder in his "English Reports" commented that this work "notwithstanding its deficiencies" has been "cited oftener in modern times than (any) other seventeenth century report". Included are "many of the best known early cases". Starting with the first decade after the English Restoration, a sixty-year period was covered.

An Institute of the laws of England or The Laws of England in their natural order, according to common use, published for the direction of young beginners or students in the law, and of others that desire to have a general knowledge in our common and statute laws, by Thomas Wood, LL. D. and barrister at law. 1754. This was the latest of repeated editions over a thirty-two year period of Dr. Wood's effort to digest English law, putting it in better order. Until such works as those of Sir William Blackstone took the center of the legal stage, Dr. Wood's book had a brief standing as a classic. In the first volume of the United States Reports (Dallas I), Chief Justice McKean of Pennsylvania tips his hat to Dr. Wood (page 356), remarking in the case of Mr. Henry Starrett in September 1788:

"Wood is a writer of great authority, and frequently cited with respect in Westminster Hall".

A treatise of the pleas of the Crown or a system of the principal matters relating to the subject, digested under the proper heads, in two books, by

(Continued on next page)

TO THE EDITOR

"Since when did Mr. Justice White play pro football for the Pittsburgh Pirates? See Docket Sheet, July-September 1979, page 5," A Reader.

(The Docket Sheet misspoke. During the late Thirties and early Forties when the Justice was leading the NFL in rushing, the teams on which he played were the Detroit Lions and the now world champion Pittsburgh **Steelers.**)

"You should be aware that there has been a third black clerk in the Court*. **The Honorable Tyrone C. Brown,** presently a member of the Federal Communications Commission, clerked for **Chief Justice Earl Warren** during the late Sixties", **Karen Hastie Williams,** Chief Counsel, United States Senate Committee on the Budget.

*Commissioner Brown clerked at the Court in the 1967 Term. **William T. Coleman,** later Secretary of Transportation in the Ford cabinet, clerked in 1948-1949 for **Mr. Justice Frankfurter.** Mrs. Williams clerked in the 1974 Term for **Mr. Justice Marshall.**

"I would appreciate . . . future issues of the Docket Sheet . . . and available back issues. I teach a course for advanced students on the Supreme Court. i think your newsletter would provide current information for them as well as lead them into some unusual avenues of research on early courts", Professor Beverly B. Cook, University of Wisconsin at Milwaukee.

PRIZE BOOKS

(concluded)

William Hawkins, Sergeant at law. London, 1762. This has been praised as "a reliable statement of the (English) law as Hawkins knew it", very comprehensive, frequently cited and, "for a book of that period, well arranged". It has been described as "the starting point of modern laborious treatises on the criminal law which are valuable as digests of the subject but which make no advance on Hawkins' plan or style".

The first part of the Institutes of the laws of England, or a commentary upon Littleton, not the name of the the author only, but of the law itself, Authore Edward Coke. . . and an analysis of Littleton written by an unknown hand in 1658-9 but never before published. Dublin, 1791. Sir Edward Coke is given credit in this and other volumes for attempting with some success to provide the first complete exposition of English law from the time of Henry Bracton. Where he was faulted was in his inclusion of what were accounted to be childish prehistoric legends.

Commentaries on the laws of England, in four books, by Sir William Blackstone, 1775. Blackstone is one of the figures of legal history (along with Hammurabi, Moses, Confucius, John Marshall, Charlemagne and Napoleon) who look down upon the participants during Oral Argument in the Courtroom, (these are all depicted in the friezes just below the ceiling level.) Holdsworth in his "Historians" said that Blackstone's commentaries presented the law of his day, provided the best history of English law up to that time, began the work of combing out the credulous errors which flourished in Coke's work, and had a great influence both in England and in America in implanting in the legal profession "a sound tradition of the historical development of the law."

(This volume must have been a prize of Elbridge Gerry's for folded into it is a letter, dated December 25, 1859, in New York, suggesting that an Uncle Elbridge Gerry, gave it to Elbridge T. Gerry with this message: The book was part of your grandfather's collection (that of the Signer of the Declaration of Independence). It came to me when I commenced the study of the law. Pass it on in your turn to your own grandson and if he shall possess the virtues, talent and merit of his grandfather . . . his name will be honored by posterity".)

Commentaries on colonial and foreign laws generally and in their conflict with each other and with the laws of England, By William Burge. London, 1838.

(This copy of Burge's Commentaries was a gift of the author to Chancellor James Kent, a law professor of Columbia College in New York in the late 1700's and author of his own Commentaries. A note about Mr. Burge, written by Mr. Kent, is on the flyleaf).

*Elbridge T. Gerry who was the source of many of the Court's most valuable old books was a lawyer, bibliophile and philanthropist, born in New York City on Christmas Day, 1837. He was a founder and, for many years, president of the New York Society for the Prevention of Cruelty to Children. He was brought to that work in the early 1870's when, as legal adviser of the American Society for Prevention of Cruelty to Animals, he discovered that animals were better protected than abused children.

Mr. Gerry was the grandson of Elbridge Gerry, a signer of the Declaration of Independence, and Vice President under Madison. The earlier Gerry is best known for his share in adding a word of ill repute to the English language: *gerrymandering,* a combination of Gerry and salamander. The word was coined to describe an electoral redistricting in the Marblehead area of Massachusetts which was designed to help Mr. Gerry's Republican party. Federalist votes were concentrated in a salamander shaped district. The ploy worked, at least for a time. A total of 51,766 Federalist votes succeeded in electing only eleven state senators in the 1812 contest, while 50,164 rival votes sent twenty-nine triumphant Republicans to the State senate.

Elridge T. Gerry died in 1927. It was his son, United States Senator Peter G. Gerry (Rhode Island), who gave the valuable book collection to the Court.

BACK OF THE BOOK FROM AROUND THE BUILDING

DINA ZUCCONI

The Court has two new acting deputy marshals, including the first woman to occupy that position. Serving as these deputies of **Marshal Al Wong** are two veterans of Court service, **Dina Zucconi** and **Larry Gill.**

Miss Zucconi, a Washington native, came to the Court in 1951. Since 1953 she has served as a witness at the annual Congressional budget hearings. She was appointed the Court's budget and account analyst in 1958 and became assistant marshal in 1974. She is the Marshal's chief assistant for budget and finance and serves as Assistant Disbursing Officer, and as the Court officer for the administration of employee benefits and retirement matters. Bridge, dancing, theater and relaxation at ocean City are Miss Zucconi's hobbies.

Larry Gill is a native of the other Washington (Seattle). His main responsibilities are management and organizational development in the Marshal's Office. Larry has a B.A. in business administration from the University of Puget Sound, a J.D. from Gonzaga in Spokane, and he is a graduate fellow of the Institute for Court Management (1978). Larry was law clerk to Chief Justice Frank Hale of the Washington State Supreme Court and chief deputy clerk of that court. He was appointed by the same court to a blue ribbon task force to write rules on appeal, a two-year project. Larry came here as deputy clerk in November 1974 and designed and directed the physical reorganization of the Clerk's Office putting in a more efficient and rational work-flow pattern. Larry's avocations are sailing, skiing and mountaineering. (As part of the latter, Larry spent six hours last Summer scrambling across glaciers on Mount Rainier to get a 250-mile view of Mount Hood from the 10,500-foot level.)

MORE PROMOTIONS

Among recent promotions are these: **Jim Robbins** is now Personnel Officer . . . **Joseph Waddy,** formerly a messenger here and more recently employed at the D.C. Superior Court, is back as a member of the Court police . . . **John Antonio,** on loan from the GPO, is now a Court staff member assigned to the office of the Reporter of Decisions . . . **Rachael Roane** is assistant supervisor of the housekeepers . . . **Jean Douglas** has become an elevator operator . . . **Walter Robertson's** and **Eileen Fregosi's** messenger status have changed from temporary to permanent.

NEW STAFFERS

Former sergeant **Joseph Anzallo** of the D.C. Metropolitan force has joined our police . . . **Kathy Guidi,** formerly a clinical nurse at the National Institutes of Health in Bethesda, is the new nurse of the Court, succeeding **Sarah Hall . . . Stephanie Smith** is assistant secretary to **Mr. Justice Stevens . . . Deborah Crouch,** a recent graduate of Hollins College, Virginia, is a new staff member in Mr. Cannon's office . . . **Earlene Lewis** has joined the Secretarial Support Unit . . . **Cynthia Kranz** is in the Library's technical support services section . . . **Shirley Charity** is a housekeeper . . . **Betsy Saxon** and **Candace Atkinson** have succeeded **Joan Sprince** and **Cecily Coleman** in the Public Information Office and as assistant editors of the Docket Sheet. Mrs. Saxon came to Washington from Birmingham, Alabama, with her husband, John, when he was chosen last year as a White House Fellow. Miss Atkinson comes from the public information office of the Bloomsburg State College in Pennsylvania. Joan Sprince is studying law. Cecily Coleman has returned to undergraduate studies . . . **Nadine Tyree** and **Robert Kuhn** have been appointed temporary messengers in the Marshal's Office and in the Library respectively . . . **Clare Bailey** is a new Library technician . . . **Victor Daldquist** is a temporary messenger.

DEPARTURES

Jean Sartwell and **Nellie Dixon** have retired . . . **Daniel Lewis** of the police force has joined the Secret Service uniformed division . . . **Mary Ann Sust** of Mr. Cannon's office is a full time student now at George Washington University . . . **Deborah Boone** and **Karen Arthur** are others departing from the same office . . . Others who have gone on to new activities are **Alfonso Bautista** of the labor force, **Janie Mundey, Jeannette Dennis, La Christa Jones, Kent Bloom** of the computer services (an incentives award winner this year), **Beth Hewes** and **Kim Halyak** (former courtroom attendant, Library worker and secretary/receptionist in Marshal Wong's office.)

JUSTICES

Justices Brennan and **Marshall** returned to duty after brief illnesses. Mr. Justice Brennan suffered a slight stroke. Mr. Justice Marshall fell on steps at the Capitol, sustaining a compound fracture of the right wrist and a slight break of the left elbow.

SPORTS

By **Tom West**

With a great year for the Court softball team behind us, we are already thinking about next year. We were in a new combination,the Senate Office Staff League along with 120 other teams. We were in the "East Coast" division, one of ten breakdowns. We beat Senator Eagleton's staff in the first round of the playoffs but fell to Senator Jepsen's club in the semi-finals. We ended up fourth out of 120!

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn**. Assistant editors are **Betsy Saxon** and **Candy Atkinson**. Printing is by Di Cesare & Associates.

VISITORS

Prominent among recent visitors were a group from the Soviet Supreme Court including **Lev Nickolayevitch Smirnov,** chairman of the court and thus Chief Justice of the U.S.S.R. With him were **Raimond Kazimirovich Brize,** a member of the Soviet Supreme Court, **Toviy Vasil-evich Kochetkov,** the court's assistant chairman, **Akakiy Grigorievich Karanadze,** a member of the court and also chairman of the Georgian Supreme Court, and Professor **Vladimir Nickolyevich Yaroshenko.** The group attended a session of our court, saw cases argued in Circuit and District Courts, observed Antioch law students receiving client counseling training, observed the Legal Services Corporation advising indigents, and saw a wide range of other aspects of American judicial and legal life.

ACADEME

(Continued from page 2)

of Financing Business Units" (1930) to best-sellers like "Strange Lands and Friendly People" (1951).

James F. Byrnes (1941-1942). His "Speaking Frankly" was published in 1947 and "All in One Lifetime" in 1958.

Robert H. Jackson (1941-1954). He wrote several books including "The Supreme Court in the American System of Government" (1955).

Wiley B. Rutledge (1943-1949). He was the dean of law at Washington U. in St. Louis and at the U. of Iowa.

Earl Warren (1953-1969). His books included "A Republic, If you Can Keep It" (1970).

HAPPY BIRTHDAY

In December on the 31st to **Mr. Justice Reed.**

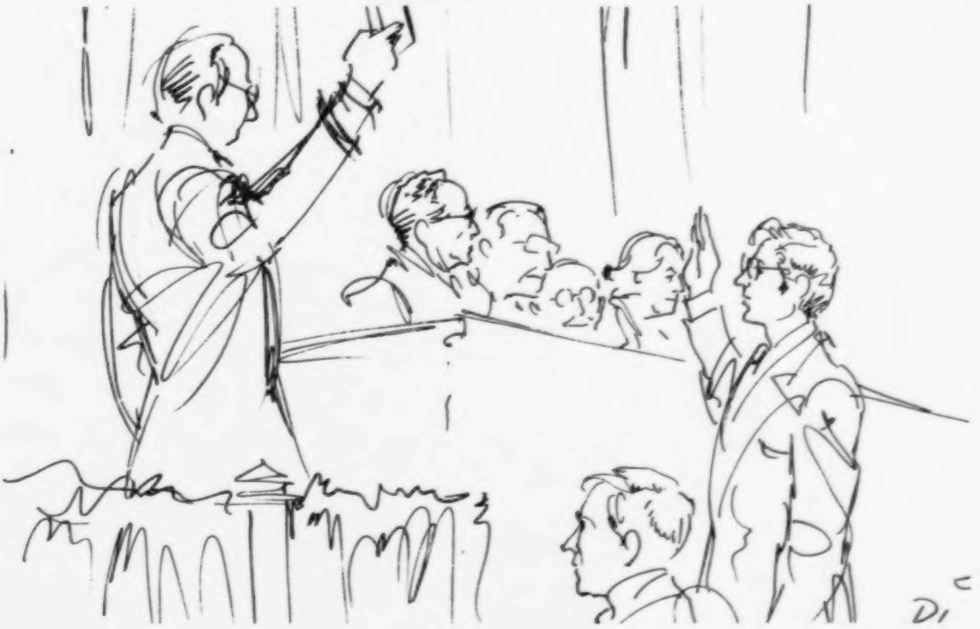
Also in December to:

4	**Candace Atkinson**
5	**William Trosky**
6	**Jennie Lazowski**
9	**William Fender**
	Donna Mona
10	**Alfred Crawford**
14	**Kenneth Richardson**
17	**Vantross Thompkins**
	Robert J. Martin
20	**Eugene Terry**
	Robert Sigona
	James Wible
22	**Daniel Pipeling**
24	**Maeva Marcus**
25	**Russell Boston**
	Shirley Charity
	William Elam
27	**Johanna Patchan**
	Joseph Schafer
30	**Raydell Bryant**
	Marjorie Vaughan
31	**Jacquetta Roberts**

And in January to:

1	**Roger Jacobs**
	David Sims
2	**Betty Clowers**
3	**Maggie Dupree**
	James R. Perry
8	**Jeffrey Morris**
9	**Ralph Taylor, Penda Hair**
10	**Lyle Evanoff**
13	**Freddie Woocher**
	James Zagami
16	**Odessa White**
18	**Jessie White**
22	**Kevin Ferguson**
	Emily Porter
24	**Richard Friedman**
	Cynthia L. Kranz
25	**Sun Hoe Ku**
	Sandy Dorsey
26	**Vonzelle Lewis**
	William Guiles
27	**Jane McHale**
	Louise Covington
	Carolin Pride
28	**Janet Cooper**
30	**William Brannon**
31	**Ginny Egelston,**
	Betsy Saxon

SWEARING IN



A familiar Monday scene when Justices are on the bench is the swearing in of new members of the Court Bar. In the above lightning-fast sketch by NBC-TV's gifted courtroom artist, **Betty Wells***, **Paul Baier**** is shown taking the oath at the hands of Court Clerk **Mike Rodak**. From left to right on the bench are **Justices Blackmun, White** and **Brennan**, and the **Chief Justice**.

Each year seems to bring a greater flood of lawyers seeking the right to plead before this Court. During the 1930 Term the Court admitted 605 lawyers to membership in its bar, just under two each calendar day. On only one year since then, the 1950 Term when 531 were admitted, have there been so few. The 1,000 mark was passed in the 1934 Term, the 2,000 mark in 1954-1955, 3,000 in 1959-1960 and, in a quantum leap, 6,000 in the 1970 Term. The 1978-1979 period saw a new record, 6,887 new members of the Court Bar, and even that record is now being challenged. By October 15 an additional 1,605 lawyers had been admitted to our bar, thirty-five more than at the same time in 1978.

Just how many lawyers are now members of the Supreme Court bar is unknown. The roster maintained by Admissions Clerk **Edward H. Faircloth** and by **Teresa Powell** goes back to the 1925 Term. By mid-October they had 130,382 names on the list. The Court is not notified of the death of bar members so how many on the roster are still in active practice cannot be determined. Not inscribed on the list are lawyers admitted prior to 1925 so a few of them conceivably are still active. By a rough guess one in every four or five American lawyers is a Supreme Court bar member.

*See "Wintertime", Betty Wells' cover on this issue.

Paul Baier served here at the Court as a Judicial Fellow in the 1975 Term. He worked with the Young Lawyers of Virginia in creating the explanatory film about the Court which is shown in the South alcove of the ground floor. Paul, the **Chief Justice, Justices Clark and **Powell, Mark Cannon** and Curator **Cathy Hetos Skefos** served as the narrators for the film.

DID YOU KNOW

That at the time it was opened in 1935 our building may have been the largest all-marble structure in this country and possibly in the world? Although further verification may be needed, that, at least, was a claim made for this structure in an article, "Majestic Hall of Justice", by Dana Bullen, published in the Washington Star on Sunday, August 2, 1964.

YESTERYEAR IN THE DOCKET SHEET

March 15, 1960: "**Hugh W. Barr**, 83, died . . . Hughie . . . handled almost 32,000 admissions to our Bar".

SUGGESTION

Dark nights are here again. Women employees are encouraged to accept police escort to cars in the Court parking lot following work. Our police are happy to oblige.

The Docket Sheet is **your** publication. Take it home. Keep a file as a memento of your Court years. Let us have your news and your original writings (room 30, extensions 23211 and 23212). Give us your address when you leave Court employment so that you can continue in touch.

Jun 15 1981

The Docket Sheet

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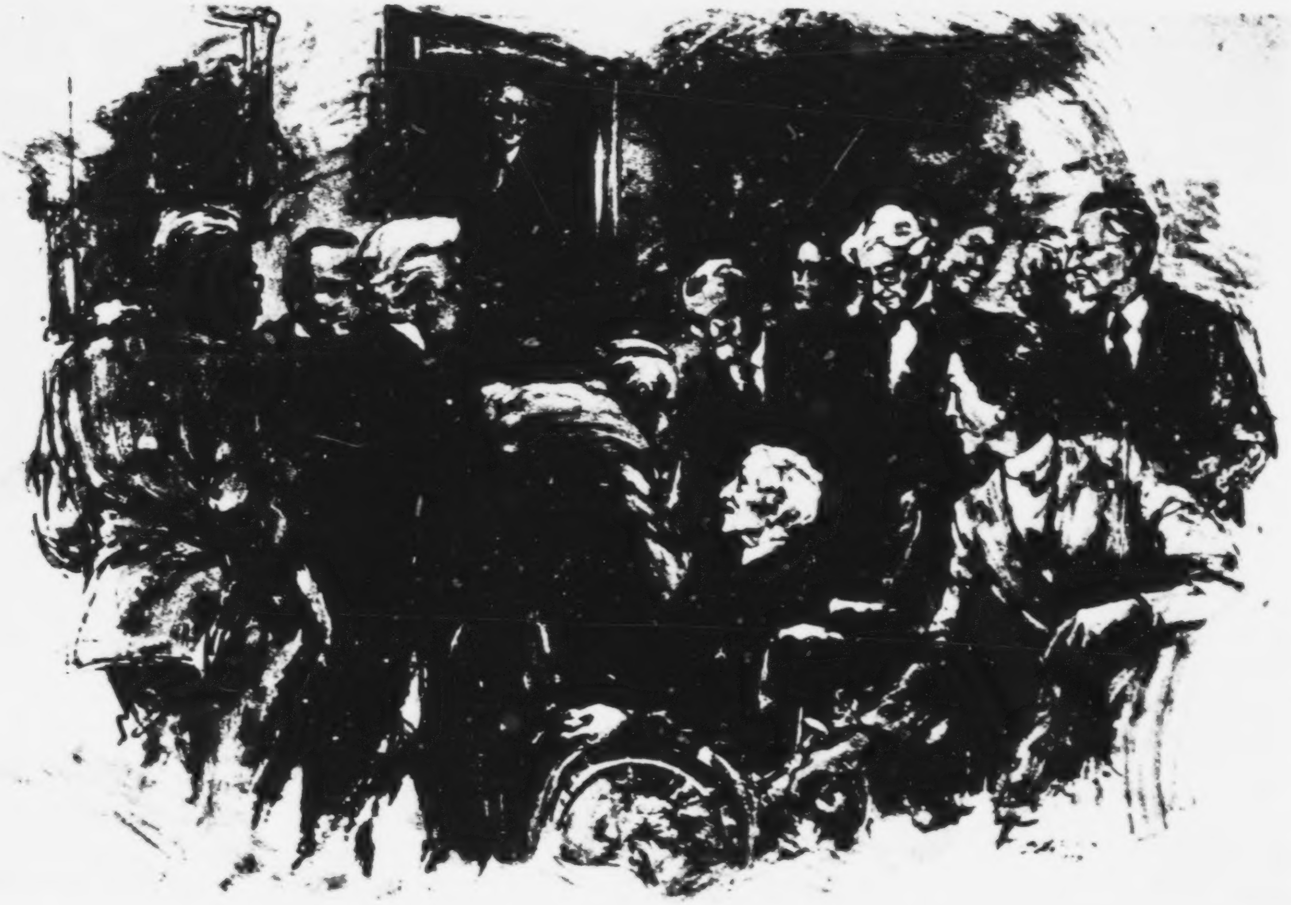

MR. JUSTICE DOUGLAS

1898 – 1980

© BETTY WELLS

(See Page 2)

1

COMPUTERS AT COURT

By Acting Deputy Marshal Larry Gill*

In many courts you can hear this:

"They'll never bring a computer into our Court. We're too small. Our work is unique. Everything is working well. Besides, those things are expensive

As we have learned from the practical experience of the past several years here at the Supreme Court, all the above are wrong

The reason is, computers are becoming much less expensive. They are now more versatile. They have greater capacity and they are of smaller size. The next generation of computers will be marketed to small businesses, households and, in the future, to appellate courts across the country. Recently I had occasion to conduct a survey of appellate courts on this subject. Of those replying, eight percent already were using computers but, much more significantly, another 41 percent - five times as many - had plans under way to computerize

It is a near certainty that sooner rather than later most appellate courts will experience computerization. This will dramatically affect the way things are done not only in the Clerk's Office, but also by the Justices, and likely all interactive court offices

The business of creating a system that works well, that enables courts to respond quickly and efficiently requires a very careful, systematic analysis of the total environment. Too often, partial system failure is inadvertently designed into a system by failure to incorporate non-technological or invisible parts of the total existing interactive system. For example, if work flow is not speeded up, it could take as long to process a given piece of work using computer information as it did manually. Remember also, computers bring with them a great deal of extra work. Accordingly, the test of a successful design is whether the computer saves more work than it creates

The first step is a long exchange of ideas between Clerk and computer man. No one knows better than the Clerk the specific needs of his department and such limitations as are imposed by court rule, by statute or by rigid practice

The second stage in planning a court computer program is to arrange input from a wide variety of specialists among the clerk's staff and court generally. Besides computer systems analysts and programmers, there may also be a need for work flow specialists, space planners, and others expert in the areas of word processing, printing, microfilm interfacing, and brief or record storage, to list but a few. Central to all of this is the Clerk who operates with delegated authority from the bench. Before providing a checklist to assist clerks in becoming perceptive, knowledgeable and invaluable participants in the change process, I have noted that the poll of appellate courts mentioned above showed that clerks in 97 percent of the courts responding had authority to initiate studies of computer use and to participate in planning, but only twenty-two percent had the sole responsibility for carrying computerization through to completion

(Continued on page 4)

MR. JUSTICE DOUGLAS

Mr Justice Douglas died Saturday January 19. President Carter, all the Justices of this Court and many others across the country joined in paying tribute. Flags were lowered on federal buildings to half mast. The next issue of the Docket Sheet will carry some of these tributes

Mr Justice Douglas served on the Court from April 17, 1939, when he was forty years old until November 12, 1975—thirty-six and one half years, the longest period of service of any Justice in history. Only **Mr Justice Joseph Field** and **Chief Justice John Marshall** who each served thirty four and one-half years came close to the length of the Douglas service

The tributes which flowed to Justice Douglas at death were preceded by many during his lifetime. The cover photo, a painting by Betty Wells of NBC-TV, depicts one such occasion, the unveiling of the official Douglas painting in a north corridor on the ground floor. The official painting is shown at the upper left. Seen at the left are **Justices Marshall** and **Stewart**. In the right foreground is **Mrs. Elizabeth Gossett**, daughter of **Chief Justice Charles Evans Hughes**, and president of the Court Historical Society. In the rear on the right are **Mr Justice Brennan**, the late **Mr Justice Tom Clark**, and **Mr Justice Powell**.

One of the final lifetime tributes to Mr Justice Douglas was paid to him by his alma mater Columbia University in the weeks just before his death. Never in the 225-year history of the New York university had its **president** travelled to conduct an academic convocation and to award an honorary doctorate apart from the campus's own commencement exercises. **No one** from the university staff had done that since 1861 when one of the professors was empowered to visit Abraham Lincoln in the White House giving him a Columbia doctorate

Mr Justice Douglas graduated from the Columbia University law school in 1925, serving the next three years as a faculty member. Clad in doctoral robes he listened at an East Conference Room convocation as the incoming (Dr Michael Sovern) and outgoing (Dr William J McGill) presidents of Columbia hailed him through a citation as a champion of individual liberties, protector of the environment, creative Justice of the Supreme Court author of many books (and) distinguished teacher at Columbia

JUSTICES' MEMORABILIA

Only in the past half century has the Court had a building of its own, and only during the past decade have there been a Court Historical Society and a Court Curator attentive to the collection and preservation of documents and other materials associated with the two-century life of the Court. Even so, the National Study Commission on Records and Documents of Federal Officials, headed by former Attorney General Herbert Brownell, succeeded late in the 1970s in assembling extensive materials on the type and location of the widely scattered personal papers of many of the 101 Justices of history.

These were some of the findings.

For twenty-three Justices ranging from **Thomas Johnson** (on the Court from 1791-1793) to **Wiley Blount Rutledge** (1943-1949) no papers were found. Small collections were uncovered in the cases of another twenty-eight (**John Blair**, **William Cushing**, **John Rutledge** and **James Wilson** of the original Court of 1789, on through **Sherman Minton** who retired in 1956.) Medium-sized aggregations (up to 5,000 items) were found for fourteen Justices, including three of the Court's first decade, **John Jay**, **James Iredell** and **William Paterson**. Large collections were located for twenty-two deceased or retired Justices, **Levi Woodbury**, the earliest (1845-1851), **Mr. Justice Douglas** the latest.

Justices' attitudes toward preservation of papers ranged widely, according to the study, with **John Marshall** and **Felix Frankfurter** among the two extremes. The latter emphasized history's needs. Marshall, on the contrary, commented:

"The events of my life are too unimportant and have too little interest for any person not of my immediate family, to render them worth communicating or preserving."

The result of the contrasting attitudes was reflected in what the archivists found. Only 800 items of Marshalliana were located at the Library of Congress and small additional caches were traced to Virginia, Pennsylvania, Connecticut, Massachusetts and Wisconsin. For Mr. Justice Frankfurter, on the other hand, tens of thousands of materials were seen filling 105 feet of shelves in the Library of Congress and another 111 feet in the Harvard Law Library. Included was correspondence with such eminent figures as Roscoe Pound, **Dean Acheson**, Harold J. Laski and FDR.

Among other finds were these:

Henry Baldwin (1830-1844). The National Archives have eight shelf feet of documents including what has been described as the only comprehensive set of notes on the conferences of the Marshall Court.

Hugo L. Black (1937-1971). The Library of Congress has 117,000 items. Access is restricted until the death or retirement of Justices who served with Mr. Black.

Louis D. Brandeis (1916-1939). The papers fill 47 shelf feet at the Harvard Law Library and 140 feet at the University of Louisville law school. According to Professor **Paul Freund**, a 1932 law clerk of Mr. Justice Brandeis, the latter at his retirement told Mr. Justice Frankfurter that he planned to destroy his Court papers unless that Justice wanted them. With no further ado the papers were moved into Mr. Justice Frankfurter's office, going on eventually to Cambridge.

Harold Hitz Burton (1945-1958). There are 120,000 items in the Library of Congress including documentation of the Justice's days as mayor of Cleveland and Senator from Ohio.

John Archibald Campbell (1853-1861). The University of North Carolina has 680 items including forty-nine letters to Mrs. Campbell written when the former Justice was a prisoner of war of the Union forces. He had resigned from the Court and had served as Assistant Secretary of War of the Confederacy.

Chief Justice Salmon Portland Chase (1864-

(Continued on page 5)

THE COURT IN HISTORY

190 years ago, February 1, 1790. The Supreme Court meets for the first time but adjourns for a day for a lack of quorum.

February 2, 1790. Two of the original Justices, **William Cushing** and **John Blair** take the oath.

February 15, 1790. Another of the originals joins the Court.

180 years ago, 1800. **John Marshall** completes a year as a Congressman and becomes John Adams' Secretary of State.

Supreme Court makes its third and final move after New York and Philadelphia, coming to Washington.

175 years ago, February 4, 1805. Aaron Burr presides over the impeachment trial of **Mr. Justice Samuel Chase**.

75 years ago, 1905. **Charles Evans Hughes** turns his back on private life as a lawyer and law professor to enter public life at age 43 as counsel to a New York State legislative investigatory committee.

55 years ago, February 13, 1925. The Judges' Bill gives Supreme Court broad docket control.

50 years ago, February 24, 1930. Charles Evans Hughes becomes the 11th Chief Justice.

45 years ago, March 6, 1935. Death of **Oliver Wendell Holmes** at 93.

TO THE EDITOR

''I enjoyed your feature on our 'prize books' *Justice Black especially appreciated them I remember a number of occasions when he said to me, 'Ed, let's go back and have a look at some of them.' '' **Ed Ruf**, Library Staff

''You were too quick to apologize to 'A Reader' in your December 1979 issue ** He wanted to know how **Mr. Justice White** could play pro football on the Pittsburgh Pirates baseball team He didn't but he did not play with the Steelers as you concluded The Pittsburgh pro football team was known as the Pirates from 1933 to 1940 In that era the future Justice played for them Four decades ago, precisely because of confusion with the baseball club, the present name of the great Steeler aggregation was adopted'' Another Reader

''I enjoyed the piece about **Belva A. Lockwood** *** in the May 1979 Docket Sheet Your readers might be interested in a few more facts about this lady By the time she was admitted to the federal bar, Mrs Lockwood was a woman of forty-eight, twice widowed, and a grandmother of two In 1877 when Belva applied to the Supreme Court Bar, women were not only being denied the right to practice law in the federal courts but, as victims of a benign, protective discrimination which pointed to the 'proper timidity and delicacy' of the female sex, to state courts as well Bradwell v. Illinois (83 U S 16 WALL. 130, 1873), one of the first United States Supreme Court cases to uphold the constitutionality of state discrimination against women summed up the prevalent judicial thinking.

Dismissing (an Illinois bar application by Myra Bradwell) **Mr. Justice Bradley** told her 'the paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother This is the kind of thinking Belva Lockwood ran into when the Supreme Court told her she couldn't be admitted to its bar (A bill favoring Mrs Lockwood's claim, however,) passed the Senate February 7, 1879 the President signed it February 15, and on March 3 Mrs Lockwood placed her small gloved hand on the leather-bound Bible in front of **Chief Justice Morrison I. Waite** and took her oath in strong, bold tones.'' Thomas J McNulty Jr, Barnstable, Cape Cod

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*The Elbridge T Gerry rare book collection, Docket Sheet, December 1979

**Letter about a July 1979 item

***''A Century of Women'', an article about the first woman member of the bar of the United States Supreme Court

QUOTATIONS

''The power to tax is not the power to destroy while this Court sits'' **Mr. Justice Holmes** dissenting in the Panhandle Oil Company v Mississippi ex rel Knox Attorney General May 14, 1928

''After all advocates including advocates for States are like managers of pugilistic and election contestants in that they have a propensity for claiming everything'' **Mr Jutice Frankfurter**, dissenting in First Iowa Hydro Electric Cooperative v Federal Power Commission State of Iowa, April 29 1946

— YESTERYEAR IN THE DOCKET SHEET —

November, 1961 ''As soon as Court convened, **George E. Hutchinson**, the Crier, stepped down from the Marshal's desk and was admitted to practice at the bar of the Court . . . As have others on the Court's staff, he became a lawyer the hard way, studying nights He graduated from George Washington University in the District of Columbia and was admitted to practice in the Circuit Court of Appeals of the District of Columbia five years ago Starting as a page boy, he has been a employee of the Court for twenty-three years He was made Crier in 1952''.

COMPUTERS

(Continued from page 2)

Thirty-eight percent of the clerks had a veto over computer projects; forty-eight percent had the right to suggest modifications of plans worked up by others

Open office planning provides a marriage between maximum computer utilization, a more logical work flow, and the individuals' need for a balance between privacy and office involvement while providing the flexibility to adjust to changing work patterns Equally important is the gain in job satisfaction, and opportunities for career advancement as tiresome, repetitive chores of typing the same form or checking the same list over and over and over again give way to challenging new skills and work variety.

*Adapted from an address by Mr. Gill at the National Conference of Appellate Court Clerks, July 30, 1979, at Monterey, California, and an article authored by Mr. Gill published in Appellate Court Administrative Review, Number II, 1979.

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn**. Assistant editors are **Betsy Saxon** and **Candace Atkinson**. Printing is by Di Cesare & Associates.

Memorabilia

(Contiued from page 3)

1873). There are 35,000 items in the Library of Congress and at the Historical Society of Pennsylvania, including correspondence with Millard Fillmore, James A. Garfield, Rutherford B. Hayes and William H. Seward.

David Davis (1862-1877). The Illinois State Historical Library has 19,000 items including 38 Abraham Lincoln letters. A close friendship bound the President and the Justice, his nominee to the Court. Many Davis letters are in the compilation. Allan Nevins, the historian, has praised them for vivid insights into mid-19th century life in what was still something of a frontier society:

"Davis's letters depict the logrolling and intriguing of the legislature, the dishonesty of elections ... and the demagogy which did not stop short of a praying match at a funeral. Life on the circuit in the 1830s and 1840s, with greasy food, dirty taverns, verminous rooms, and tedious Sundays, has never been so well depicted."

William Rufus Day (1903-1922). There are 15,000 items in the Library of Congress including correspondence with Mark Hanna, Warren Harding, William R. Hearst, William McKinley, Theodore Roosevelt and **William H. Taft.**

Horace Gray (1881-1902). Four hundred items on microfilm are in the Library of Congress. Included is Daniel Webster correspondence.

Oliver Wendell Holmes (1902-1932). The Library of Congress has 29,000 items. Among these is correspondence with Henry Adams, Learned Hand, Herbert Hoover, Henry James, William James and Owen Wister.

James Iredell (1970-1799). There are 4,600 items in North Carolina depositories including correspondence with **John Jay** and letters about Mr. Iredell's contacts with Washington, Hamilton and Adams.

John Jay (1789-1795). Columbia University has 3,000 items and the New York Historical Society conserves eight boxes of materials. There is correspondence with John Adams, Benjamin Franklin, Alexander Hamilton, Thomas Jefferson and George Washington.

Roger Brooke Taney (1836-1864). Sparse collections of Taney papers are at the Maryland Historical Society and in the Library of Congress. Included are letters from Andrew Jackson, Francis Scott Key, Charles Carroll of Carrollton, Henry Clay and Martin Van Buren.

Earl Warren (1953-1969). Supreme Court papers, numbering 190,000 items, are in the Library of Congress, closed until 1984. Papers of 1924-1953 occupy 573 cubic feet of space in the California State Archives. Included is correspondence with Harold E. Stassen, Wendell Wilkie, Thomas E. Dewey, Everett M. Dirksen, and Herbert Hoover.

Library

Supreme Court of the United States

By **Sharron FitzGerald**

Among additions of interest:

DEL GUIDICE, Richard J. **Justice Brennan** and Freedom of Expression. Ann Arbor University, Microfilms International, 1975.

DROESSLER, Thomas Carl. Invention and style in **Earl Warren's** legal argumentation. Ann Arbor, U. Microfilms, 1974.

HULL, Elizabeth Anne. **Sherman Minton** and the Cold War Court. Ann Arbor, U. Microfilms, 1977.

LAMB, Charles Moody. **Warren Burger's** lower court experience. Ann Arbor, U. Microfilms, 1977.

MASON, Alpheus Thomas. Supreme Court from **Taft** to Burger. Louisiana State U. Press, 1979.

WILKINSON, J. Harvie. From Brown to Bakke: Supreme Court and school integration. Oxford, 1979.

DID YOU KNOW

That more than one-quarter of the Justices of history served in Congress before coming to this bench? The Congressional Quarterly's new 1,022-page "Guide to the U.S. Supreme Court" provides the list. Four Justices were veterans of both houses in the legislative branch. They were **John McKinley** who joined the Court in 1837, **Lucius Q.C. Lamar** (1888), **George Sutherland** (1922) and **James F. Byrnes** (1941.) Eleven others saw service as United States Senators: **William Paterson** (1793), **Oliver Ellsworth** (1796), **Levi Woodbury** (1845), **David Davis** (1862), **Salmon P. Chase** (1864), **Stanley Matthews** (1881), **Howell E. Jackson** (1893), **Edward D. White** (1894), **Hugo L. Black** (1937), **Harold H. Burton** (1945), and **Sherman Minton** (1949). Those who were in the House of Representatives alone were **John Marshall** (1801), **Joseph Story** (1811), **Gabriel Duvall** (1811), **John McLean** (1829), **Henry Baldwin** (1830), **James M. Wayne** (1835), **Philip P. Barbour** (1836), **Nathan Clifford** (1858), **William Strong** (1870), **Joseph McKenna** (1898), **William H. Moody** (1906), **Mahlon Pitney** (1912) and **Fred M. Vinson** (1946).

The Docket Sheet is your publication. Contribute to it, take it home, keep a file as a memento of your Court years. Phone us your news and that of your colleagues (extensions 23211 or 23212) or drop items by at room 30. Share with us your photos and your original writings.

BACK OF THE BOOK
FROM AROUND THE BUILDING

RETIREES

Recent retirees have included two staff members whose combined service totalled sixty-two years **Raydell F. Bryant*** and **Ralph Taylor**.

Few members of the staff have had a greater or more varied contact with the public than did Raydell. She started in 1951 as a telephone operator manning the switchboard in room 29. From there she moved next door to become the assistant to Public Information Officer **Banning "Bert" Whittington**. Scores of news personnel covering the Court knew her at that time. Following further service in the Clerk's Office, Raydell moved to the office of the Marshal in 1971, receiving promotion to Assistant Marshal of the Court in 1976. At innumerable social functions Raydell was the coordinator, coping among other things with questions of protocol. Further duties in the Marshal's Office included purchasing, supervision of the secretarial unit and general oversight functions with regard to the messenger staff.

RAYDELL
BRYANT

As a farewell present employees gave Raydell a sterling silver tray engraved with her name and years of service.

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*STOP PRESS NEWS: Raydell Bryant is now **Mrs. E.J. Shegonee**. E.J., a member of the Court medical staff since the early Seventies, and Raydell were married in Illinois just before New Year's. Congratulations!

Ralph Taylor came to the Court in 1946. For his first six years he was an employee of the Government Printing Office. His job was to help establish and run the Court's print shop, the first and only such installation the Court has had. In 1952 Ralph transferred to the Court staff, joining the team of the Reporter of Decisions. His work ever since was to oversee the printing and issuance of the United States Reports. Volume 343 was his first task. His last, just at retirement in January, was 444. The river of cases in between, as Ralph has noted, ranged literally from Aaron to Zizza. A recent responsibility included work with the GPO on phasing out the old hot metal system in our Print Shop, looking toward an electronic substitute.

Ralph joined the GPO in 1935. After five years as an apprentice printer studying the various aspects of the craft, he served from 1940 to 1942 as a linotype operator. World War II saw him in the Southwest Pacific as a radio operator on 55 B-25 bombing operations in New Guinea, the Moluccas, the Celebes and the Philippines. Ralph and his wife, Florence, will stay on in Virginia. They have four children, Ralph Jr., Randolph, Ronald and Denise. Ralph's plans: to bone up on history.

Members of the staff and several Justices attended a farewell reception January 4 in the Ladies Dining Room. Among gifts was a sturdy traveling case.

LEGAL OFFICERS

The new Legal Officer working with **Bob Marsel** is **Joe Caldwell**.

Mr. Caldwell is an "Army Brat", son of a now retired colonel. Petersburg, Virginia, is his home area but he saw nine years of overseas assignments as a child, two in Frankfurt where he attended the American high school, and one in Taiwan. Rutgers was his law school. He is studying for an LL.M. now at Georgetown. Experience as a lawyer has included service in the office of the Corporation Counsel of Newark, employment on a policy-making staff of that city's mayor, Ken Gibson, and work as a New Jersey State Deputy Attorney General. Later, in military service, Mr. Caldwell was in Stuttgart and Munich as a chief trial attorney in the Army JAG Corps. More recently, Mr. Caldwell has worked as an Army-wide trial tactics instructor for defense attorneys, and he has assisted in developing a new Army-wide separate defense counsel organization.

Mr. Caldwell describes himself as a "softball nut" and looks forward to tryouts for the Court team. His wife, Janet, works in broadcasting for the Voice of America and formerly was a child casting director for the popular TV children's program, Sesame Street.

(Continued on next page)

WOMEN LAW CLERKS

A sentence in the December 1979 issue of the Docket Sheet, discussing the history of women law clerks at the Court, had a garbled sentence. It should have read In 1977 both **Justices Marshall** and **Blackmun** each had two women law clerks, **Vicki Jackson** and **Ellen Silberman** for the former, and **Charlotte Crane** and **Ruth Glushien** for the latter.

By **Paul Taggart**

Our Senate Employees Credit Union for which we are all eligible has halted loans of more than $1,000 for the time being. There is hope, however, that full service will be restored early in this new year.

GOOSE QUILLS

People Magazine ran a two-page feature on Lewis Glaser, the 80 year-old of Charlottesville, Virginia, who makes the goose quill pens which are provided to lawyers in the courtroom. The article was by Jack Harrison Pollack, author of the recent biography of **Earl Warren**. Mr. Pollack made these points:

Mr. Glaser was delighted to hear that one of his pens was given to Soviet Chairman Brezhnev when he visited here, and that Carl Albert, then Speaker of the House, gave one to Britain's Queen Elizabeth, a pen "just like the one used by her ancestor, George III". A 1922 graduate of the University of Illinois College of Agriculture, Mr. Glaser helped New England farmers raise geese during World War II when the conflict cut off imports of goose down needed to line aviator suits and sleeping bags. An enthusiastic proponent of all things related to geese, Mr. Glaser goes so far as to insist that geese, not turkeys, were consumed at the first Thanksgiving Day. Brushing aside the testimony of Gov. William Bradford in his "History of Plimoth Plantation" that "there was a great store of wild Turkies, of which they took many", Mr. Glaser prefers the remarks of another Pilgrim, Edward Winslow, who said that the three-day Thanksgiving feast included venison, duck, goose, clams, eel, corn bread, leeks, watercress and "sallet herbes" — no mention of the scrawny five-pound wild turkeys of the era.

(For more on Mr. Glaser, see the Docket Sheet of December 1975).

AWARD

Have you ever wondered why your office sparkles when you arrive each morning, why there are no fingerprints on glass covers on desk tops and why all is in apple pie order? The thanks go to twenty one employees who toil here through the decades and rarely if ever are seen. They are the housekeepers who arrive between midnight and 12:30 a.m. and leave between 7 and 7:30 a.m. However blustery the night and icy the streets, they come each early morning.

To recognize these visible accomplishments of unseen staffers the overseeing housekeepers (**Mrs. Annie Bell Hagans**, supervisor, and **Mrs. Rachel Roane**, assistant supervisor) have developed their own awards program, a plaque for 1978 and a trophy for 1979. Winner of both is **Mrs. Irene Miller** who was never late for her wee hours chores and missed only three duty days in twenty four months, two because of illness and one when her six year old daughter, **Yvette**, was struck by a car, needing hospital attention.

Mrs. Miller tidies up the office of the Reporter of Decisions. She has been a Court employee for the past half decade. She has two daughters. The other, **Athena**, is nine.

There are twenty-two in the housekeeping force. They clean all offices and, in addition, most of the inside staircases. Mrs. Hagans came in 1954. She cleaned the Chief Justice's chambers for ten years and became a supervisor in 1969, succeeding **Mrs. Julia Boggs**. **She** has been head supervisor since 1972. Mrs. Roane cleaned the Chief Justice's offices for two years until last August when she succeeded **Mrs. Nellie Dixon** as a supervisor.

NEW EMPLOYEES

Gay A. Shuler is an assistant secretary in the Chief Justice's chambers. . . . **C. Richard Gibson** is a cataloguing clerk in the Library. . . . **William J. McDonald** is a woodworker in **Ed Douglas'** department. . . . **Dean Ann Grzanka** is an assistant secretary to **Mark Cannon**. . . . **Kathleen A. Hanley** is a catalogue technician in the Library. . . . **Vanessa M. Yarnall** has been hired as Mr. Cannon's personal secretary. . . . **Nanette LaFlam, Gerald Saunders** and **William Shanklin** are temporary messengers. . . . **Henry Ritter** has been detailed from GPO to act as assistant publications officer. **Thelma Hodges, Annie G. Johnson** and **Gladys Garrett** have been appointed to the Housekeeping force.

PERSONNEL CHANGES

Vic Dahlquist is permanent now as a messenger. . . . **Judy McCullough** has left **Al Wong**'s messenger force to become a clerk-typist in the office of **Curator Gail Galloway**. . . . **Thomas West** is a

(Continued on next page)

HAPPY BIRTHDAY

In February to

1	James Robbins
2	June Hoffman Joseph Stotesbury
3	Ed Faircloth Norma J Smedley
4	Peter Isakoff
6	Louise Graves
8	Willie Hamilton
9	Robert Chase Matthew Hawkins
10	Akiko Lloyd
11	Charles Akins, Chris Jordan
12	Tim Moore
14	Dane Hawkins
15	John Sharp
20	Joseph McFalls, Peter Kallis
21	Robert Mayer Anna Podva
22	Bettie Claude Evelyn Anderson
26	Charles Johnson Beth Cooper
27	Mark Rahdert

And in March to

1	Bernard Glasper
2	Bertha Glimps
5	Louis Moore
7	d Mitchell
8	Mary Elmore
9	Frank Daniels
12	Greg Nuezil, William McDonald
16	Mary Ellen Richey
17	Phillip Wood
18	Pauline Hicks
25	Alfred Wong
27	Harry Fenwick, Joe Caldwell
28	Joshua Brooks
29	James Nash

BACK OF BOOK

(Continued from page 7)

messenger for **Mr. Justice Stevens**. . . . **Marty Bagby Yopp** returned to the chambers of **Mr. Justice Douglas**.

POLICE

By **Officer Beth Cooper**

The courtroom lectures seem to be picking up in popularity Although the number of visitors to our building was down somewhat in 1979 (554 456 compared with 649,729) the courtroom lectures every hour and half hour drew an attendance of 152 455 in the final nine months of the year compared with 124,385 during the same 1978 period Those attending oral arguments during the year were 54 294 This was down about ten percent from the 59,047 of 1978

MORE PEOPLE

Evelyn Limstrong has vivid memories of three weeks passed in England and Scotland She and her husband attended a 2d Air Division reunion at Old Buckenham Airfield They visited the American cemetery at Cambridge **Edna Wolfe** carried on an old **Helen Taylor** custom channeling South Carolina pecans to interested staffers during the holidays A fifth of a ton was called for **Frank Lorson** has been recuperating from a shoulder dislocation Mary Ellen (Molly) Evans six pounds is the daughter of **Pat Evans** of the Library Rick is Molly's big brother **Jim Donovan's** daughter **Colleen**, married **Michael Eastman** at the University of Maryland chapel **Samuel Seabrook** is pursuing Soviet studies at American University **Bob Marsel** was host of a Berkeley alumni luncheon As guest speakers he introduced Treasury Secretary G William Miller and **Professor Jesse Choper**, a **Warren** clerk

LIBRARY

The Library Science Alumni Association of the University of Michigan has arranged a March honors reception for two outstanding members, Court Librarian **Roger Jacobs** and Associate Dean Ching-chih Chen of the Simmon College School of Library Science Roger addressed a meeting of the Federal Appellate Court Librarians in Chicago and chaired here a morning long panel discussion of the Librarian's view of an ideal code and register The latter was part of the annual conference of the Committee on Administrative Codes and Registers of the National Association of Secretaries of State

VISITOR

Dr Naomi Warhaftig, the Reporter of Decisions of the Israeli Supreme Court called on **Henry Lind**. With Dr Warhaftig was her husband, a former Cabinet Officer

CAFETERIA

By **Dick Burson**, Manager

We of Ogden Food Service Corporation now that we have taken over the cafeteria, mean to make it Capitol Hill's best Complaints we have found include shortages of flatware, china and glasses (which we have corrected), wet trays (also corrected) and long lines during rush times New procedures are helping with the latter Have money ready for the cashier and be prepared to show Court identification when needed; that will assist further

DEPARTURE

Jim Duff is finishing law school and is clerking for a law firm

[illegible] 1981

J4 6.12. 17/4

JUSTICE DOUGLAS

The Docket Sheet

VOLUME 17 NUMBER 2

APRIL MAY 1980

We can keep our freedom through
increasing crises of history only if we
are self reliant enough to be free
We need faith that dedicates us to
something bigger and more im-
portant than our [illegible]

William O. Douglas

SUPREME COURT LANDMARK

(See Page 2)

TRIBUTES TO JUSTICE DOUGLAS

The death of **Mr. Justice Douglas** brought forth tributes from all the members of the Court, from eulogists of various walks of life at his funeral service, from TV commentators and from others These were a few

President Carter, who ordered flags on federal buildings to be lowered to half mast "William O Douglas was a lion-like defender of individual liberty"

MR. JUSTICE DOUGLAS

Chief Justice Burger: "In a letter to Bill Douglas on his retirement we paid tribute to him as a unique resource for the Court and one that may never again be present at the Conference table This resource was his intimate knowledge of the opinions of the Court going back then 36 Terms, with his memory of the evolution of the decisions of those cases We mourn his passing but we will not forget the friendship that overshadowed the inescapable differences on the vexing issues that historically confront this Court

Mr. Justice Brennan: (He) is the only true genius I have ever known"

Mr Justice Stewart: "Skeptic though he was Bill Douglas believed almost naively in the essential goodness of ordinary men and women

Mr Justice White: His spirit was unquenchable, and he had a matchless mind Both qualities made working with him an exciting experience

Mr. Justice Marshall We shall all remember his patient impatience with those who did not agree with his lofty principles

Mr. Justice Blackmun: Often he was a burr under the saddle but the discomfort he produced usually resulted not only in the reexamination of principles too long assumed but also for the good of the Country and the Court as an institution

Mr. Justice Powell: (He) graced and enlivened this Court for more than a third of a century He also will be remembered as a teacher, author, passionate environmentalist, social philosopher

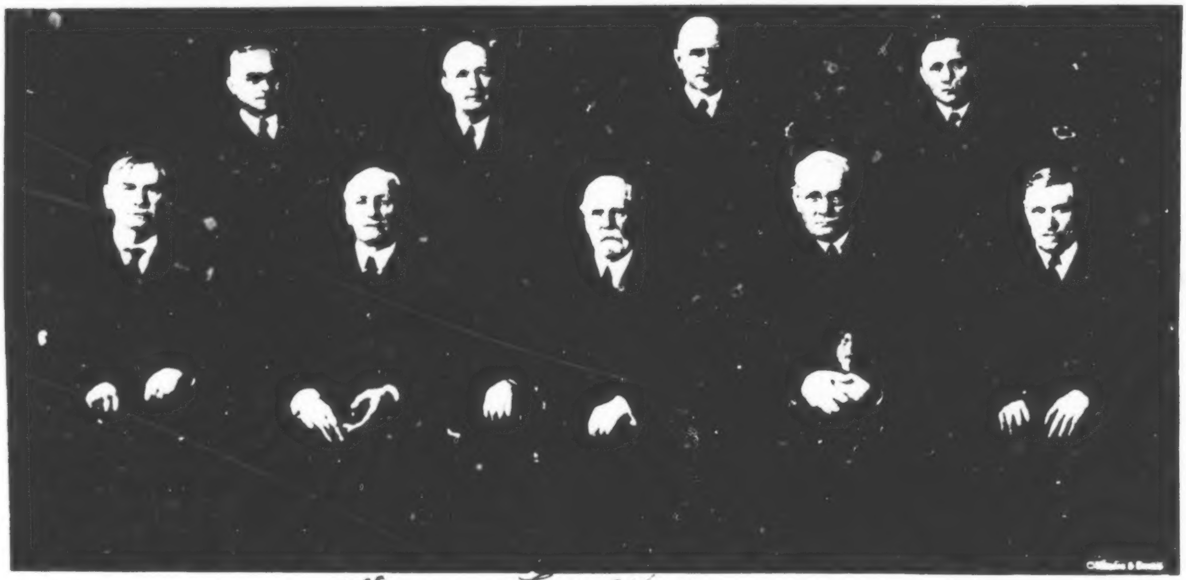
(Continued on next page)

COVER BOX

Lawyers whose avocation is painting did the pictures on the front and back covers of this issue Each was a winner in an annual contest sponsored by the West Publishing Company

On the front cover is a painting by Robert M Wright Esquire of San Pedro, California The theme he was asked to illustrate was milestones in the first two centuries of American legal history Mr Wright built his painting around **Mr Justice Douglas**. In the foreground he portrayed him as a 40 year old Roosevelt appointee to the Court, in the center as an outdoorsman and on the right in his later years Atop the painting the artist placed the 1962 court **Earl Warren** as Chief Justice **Justices Clark, Black**, Douglas and **Harlan** in the front row and **Justices White, Brennan, Stewart** and **Goldberg** at the rear Mr Wright received a certificate of merit and a $500 cash award

On the back page is a first prize $5,000 painting of the annual West series, this one by David E Tripp, a Los Angeles County Prosecutor, illustrating the theme "The law key to freedom Mr Justice Douglas, Abraham Lincoln **John Marshall** and **Chief Justices Roger B. Taney, Mr. Justice Oliver Wendell Holmes** and Martin Luther King figure prominently Civil rights marchers carrying the flag, "one man, one vote", Judge Roy Bean, The Nuremberg Trails, the Scottsboro boys and Sacco and Vanzetti are included Inserted is one of the **Charles Evans Hughes** courts



Charles E. Hughes

Hugo L Black Stanley Reed

This is the court **Mr. Justice Douglas** joined in 1939 at the age of forty. **Mr. Justice Pierce Butler** alone failed to autograph this picture.

(Continued from page 3)

and, perhaps most of all, as a unique and commanding personality".

Mr. Justice Rehnquist: "Surely his was one of the great legal minds which have graced this Court in this century".

Mr. Justice Stevens: "As a law clerk in the 1947 Term, I personally observed the prodigious and perceptive character of his work in the most complex cases that came before the Court . . . . It is a special honor to have succeeded him on the Court ".

President Carter, all the Justices and a capacity congregation of 1,200, attended the funeral services at the National Presbyterian Church. The Rev. Dr. Edward L. R. Elson, chaplain of the Senate, and a many-year friend of the Justice, officiated. The service, he said, followed prescriptions which Justice Douglas had provided. The Lord's Prayer was sung by Master Sergeant William F. Kugel, for Justice Douglas had written:

"Years ago I knew a cowboy out West who used to sit rocking back and forth on a kitchen chair singing the Lord's Prayer. It was a beautiful rendition and the last time I saw him I asked him if he would wash his blue jeans and polish his boots and come East to sing at my funeral. I am sorry to report that he died before he was able to do this. Among the baritones you know from your church assignments, there should be one splendid vocalist who could do it".

The United States Army Chorus followed with a Robert Lowry hymn, adapted by Aaron Copland. The Justice requested it:

"Another song that goes back to my boyhood was one that Mother and Father used to sing. Mother was a soprano vocalist in the church and Father was a singing evangelist when he began his career. One song that they liked to sing was, 'Shall we gather at the river?' If this is not the exact title, I am sure you will remember it, as this is an old and familiar song."

Two final selections were other Douglas requests. One was the 23rd Psalm to the tune, Crimond, from the Scottish Psalter, the tune used by Douglas ancestors, the Scottish Presbyterians of

(Continued on Next Page)

TO THE EDITOR

"(A propos your articles about **Mr. Justice White** on the Pittsburgh Pirates football team in 1938*), Art Rooney, the team's owner, recalls buying the franchise in 1933 for $2,500 and calling the team the 'Pirates'. The name 'Steelers' was not adopted until 1940 when a contest was held for a new name.

. . . Justice White was fresh out of the University of Colorado . . . and Howard Roberts in 'The Story of Pro Football' writes that he was the first player in the National Football League to be paid a flat five-figure salary - $15,000. Roberts quotes Rooney: 'no player ever put out as much effort as White . . . none tried harder and gave 100 percent at all times' ", Dick Allen, editor, ABA Journal.

*Docket Sheet of July and December 1979 and of February 1980

TRIBUTES
(Continued from page 3)

Pictou, Nova Scotia. The other was requested by the Justice in this fashion:

"And then from my hobo days, I knew the famous songwriter, Woody Guthrie, who wrote a song called, 'This Land is Your Land, This Land is My Land'. It represents . . . many of the freedoms that are explicit or implicit in the Constitution, such as the right to move from place to place to look for a job or to establish a new home . . . In other words, it expressed the vagrancy issue as I have expressed it and as it has become ingrained in the law".

The Justice added: "See my opinion expressed in 405 US 156, Papachristou, et al. v. City of Jacksonville".*

The funeral service was preceded by a 22-hour vigil from noon January 22 to 10 a.m. January 23, friends remaining beside the casket inside the church throughout the day and through the hours of the night, each staying for two hours. Besides former Douglas law clerks **David Ginsburg, Peter Kreindler, Robert Deitz, Lucas Powe, Alan Sternstein, Bill Norris, Jerry Falk, Walter B. Chaffee, Bernie Jacob, Marshall Small, Dennis Brown, Monty Podva, Bill Alsup, Richard Jacobson, Jay Kelly Wright, Lucille Lomen, Harvey Grossman, Professor Bill Cohen** and **Chuck Miller**, there were past law clerks of other Justices and friends from many walks of life: **Judge Abner Mikva, Mr. Justice Blackmun,** Ernest Cuneo, Benjamin Cohen, Tony Smith of the National Park and Conservation Association, Joel Fisher, Judge Gerhard A. Gesell, Congressman Mike McCormack, Lowell Turnbull, Lester Hyman, Mary Watkins, Senator Henry J. Jackson, Judge J. Skelly Wright, Judge David Bazelon, Congressman Don Edwards, Dagmar Hamilton, Sheldon Cohen, Judge Betty Fletcher, Rebecca Judge, Marx Leva, **Bill Douglas Jr., Pierre Douglas,** Debra and Jessica Berger, Candy Nelson, John P. Persons, Dr. N. Thomas Connally, **Judge James Browning,** Eva Douglas, Karen Wells, **Ramsey Clark,** Education Secretar Shirley Hufstedler, and **Joe Price.**

Eulogies at the service were by Dr. Elson, the Chief Justice, former Justice **Abe Fortas,** Clark Clifford, Eric Sevareid, and **Sidney Davis,** a former law clerk of **Mr. Justice Black.** The nine Justices plus retired **Justice Stanley Reed** and former Justices **Arthur Goldberg** and Fortas were honorary pallbearers. **Harry Datcher,** Justice Douglas' messenger, and former Douglas clerks **Vern Countryman,** Podva, Ginsburg, Miller, Alsup, Kreindler and Deitz were the actual pall bearers.

The Justice was interred in Arlington National Cemetery a dozen feet from this marker with this:

"**Oliver Wendell Holmes,** Captain and Brevet Colonel, 20th Mass. Vol. Inf., Civil War. Justice Supreme Court of the United States, March 1841, March 1935. His wife, Fanny Bowditch Holmes, December 1840, April 1929".

*Papachristou et al. v. City of Jacksonville was argued as case 70-5030 on December 8, 1971, and it was decided on February 24, 1972. The sixteen-page Opinion, written by Justice Douglas, struck down as unconstitutional a Jacksonville, Florida, vagrancy ordinance which provided for maximum 90-day jail terms and $500 fines for a wide category of persons including "common night walkers", "habitual loafers", "persons wandering or strolling around from place to place without any lawful purpose or object", and even, for a time, for "persons who use juggling". In a footnote Justice Douglas pointed out that the antecedents of the Jacksonville ordinance traced back to the time of the Black Death in England in the 14 century and to the break up of feudalism when wanderers cluttered and sometimes endangered English byways. Wanderers and strollers in more recent American eras, he added, had been extolled by such writers and philosophers as Walt Whitman, Vachel Lindsay and Henry D. Thoreau. The ordinance, he concluded, although perhaps a convenience to police, was overly broad, generally punishing "poor people, non-conformists, dissenters, idlers". It made even-handed justice impossible, the Justice wrote, whereas "the rule of law, evenly applied to minorities as well as majorities, to the poor as well as the rich, is the great mucilage that holds society together."

THE ANTHONY DOLLAR

The Susan B. Anthony one-dollar coin which is now going into circulation has a distant relationship to Court interests in the sense that it is the work of the same sculptor who did the medallion of Chief **Justice Burger** in the United States Mint's series of Chief Justices of the United States.*

Few designers of coins and medals have been more prolific, and it is safe to say that almost every American has had contact with Gasparro creations at one time or another. In addition to the Chief Justice medallion and the Anthony dollar these have been some of his products:

The reverse side of the Lincoln penny showing the Lincoln Memorial. Fifty billion of these have been struck off — half a billion dollar's worth — since Mr. Gasparro worked on the coin in 1959, the 150th anniversary of the birth of the Civil War president. The coin first had appeared in 1909 at the Lincoln centenary, twenty-four days before the birth of Mr. Gasparro. Wheat-ears were on the reverse of the pre-1959 penny.

All Presidential medals since the time of LBJ.

The official Bicentennial medal and the final reworkings on the Bicentennial coins: the dollar, half dollar and quarter.

The reverse of the Kennedy half-dollar and both sides of the Eisenhower dollar. For the back of both the Anthony and Eisenhower dollars, Mr. Gasparro used the same motif: the American eagle alighting on the moon.

Many foreign coins and some ninety medals in all.

Mr. Gasparro is a fourth generation Italian-American, eldest of seven children of a Philadelphia professional musician. His headquarters are in his native city at the mint there. An artist from early childhood, Mr. Gasparro resisted his father's efforts to turn him toward music, got his parents consent to be apprenticed in his teens to Giuseppe Donato who had been Auguste Rodin's assistant foreman, and finally joined the staff of the United States Mint in 1942. Since 1965 he has been Chief Engraver of the United States, tenth in a series tracing back to 1793.

*Four medals have been struck so far in the Mint's series on Chief Justices of the United States. They may be seen at the Historical Society's kiosk on the ground floor.

YESTERYEAR IN THE DOCKET SHEET

October, 1968: "**Rodolph deB. (Rody) Waggaman,** who retired as a Deputy Clerk of the Court more than six years ago, was a visitor here this month. Mr. Waggaman, whose career with the Clerk's Office spanned 37 years, spent two weeks in Washington visiting friends and relatives. He and Mrs. Waggaman are making a motor tour of the country from their home in San Diego, California, and will go from there to Vero Beach, Florida, where they will visit his brother, **T. Ennals Waggaman,** retired Marshal of the Court."

[illegible]

"It is never too late for this Court to correct a misconception in an occasional decision, even on a rare occasion to change a rule of law that may have long persisted but also have long been questioned and only fluctuatingly applied. To say that everybody has been wrong for 150 years and that that which has been deemed part of the bone and sinew of the law should now be extirpated is quite another thing". **Mr. Justice Frankfurter,** concurring in Green v. United States, March 31, 1958.

THE COURT IN HISTORY

235 years ago, April 29, 1745. Birth of **Oliver Ellsworth** who became the third and last George Washington appointee to the Chief Justiceship.

110 years ago, May 24, 1870. Birth of **Benjamin Cardozo** in New York.

70 years ago, May 2, 1910. A future Chief Justice appoints another future Chief Justice to the Court. **President William Howard Taft** nominates **Charles Evans Hughes** to be an Associate Justice.

HAPPY BIRTHDAY

In April to **Mr. Justice Stevens** on the 20th, and to **Mr. Justice Brennan** on the 25th, and to

1 Eileen Fregosi
2 Joe Jacobs
2 David Stewart
3 Grant Obright
7 John McCullough
8 Mickey Boteler
8 Wannett Smith
8 Mary Barbour
10 Jonathan Sallet
11 Patricia Dean
13 Vanessa Yarnall
14 Dorothy Speight
14 Verdery Gilchrist
15 Irene Miller
20 Arbor Hawkins
25 Eric Amstutz
27 Saul Goodman
30 Frank Howarth
30 James Surles

And in May to

1 Deborah Pitts
2 Lloyd Roberts
3 Marion Davis
6 Sally Smith
7 Ed Ruf
10 James Asperger
13 Jeffrey Rosen
15 Annie Hagans
17 Larry Gill
17 Donald Murray
17 Harvell Stewart
19 Theodore Dickens
19 Bill Matthews
19 Robert Percival
20 Frank Thomas
23 Virginia Twitty
24 Hillie Luckett

BACK OF THE BOOK
FROM AROUND THE BUILDING

COMPUTERIZATION

By **Jim Donovan**

Summertime of this year will see us taking another long stride along the road of computer utilization here at the Court. Atex Inc. has been chosen competitively as the computer vendor whose "shared logic" system will be installed during the Summer recess. "Shared logic" means that word processing equipment similar to that now in operation in Justice Powell's chambers will be hooked into a new electronic opinion-printing operation with expected significant savings in time and funds. A pilot word-processing system was tested last year in the Third Circuit and showed a 25 percent saving in time needed for the preparation of opinions (and a 52 percent time saving in the case of per curiams), while secretarial typing time was reduced by 50 percent and productivity among the secretaries rose 200 to 300 percent.

The "shared logic" system and our 33-year-old print shop hot-metal process for producing opinions will operate in tandem during the 1980 Term but, late in 1981, we should see the computer system taking over the whole of the Court opinion-printing chore. We will have come a long way since 1974 when computers came to the Court for the first time, serving to automate information in the Clerk's Office.

CLERK'S OFFICE

By **Michael Rodak Jr.**

Mrs. Evelyn R. Limstrong has retired after twenty-eight years of service to the Court. Friends crowded the Ladies' Dining Room February 29 to wish her well. . . . Two of our Assistant Clerks have left for other employment. **Donna Mona** has transferred to the United States Court of Customs and Patent Appeals. **Lorraine Frank** has gone to the law firm of Brasewell and Patterson.

LIBRARY

By **Sharron FitzGerald**

We have added another important information service. You are invited to come see it. It is the OCLC on-line union catalogue. OCLC used to mean Ohio Colleges Library Center but the service is nationwide now and the acronym has become the complete name. OCLC uses a cathode ray terminal similar to what Lexis employs. It gives us prompt access to the 5 million records which are held by more than 1,800 libraries across the country. Books, manuscripts, sound recordings, serials, films, maps and music scores are included.

MORE LIBRARY

By **Roger Jacobs**

Although **Jean Sartwell** has retired after 37 years here, her influence will long remain through the card catalogue she supervised. Miss Sartwell was the senior member of the Library staff. She served under five Librarians including **Oscar D. Clarke, Helen Newman, Charles Hallam** and **Edward Hudon** . . . . **Mrs. Marian C. Bailey** (who prefers use of her middle name, Clare) is at work on many tasks as our new Acquisitions Technician. She monitors some 2,000 incoming serials each month, oversees the Library routing service and acquires new Library materials. Mrs. Bailey has a BA in law enforcement and criminology from the U. of Maryland. Formerly she was with the Associated Library Services of Washington and recently she did acquisitions work for the D.C. branch of O'Melveny & Myers of Los Angeles. . . . Also at work on the technical services staff is **Kathleen Hanley**. She has a BA in library science from Madison College. Previously she was with the cataloguing and serials departments of Informatics Library Information Services. She will make much use of the new OCLC system. . . . **Michael Gehringer** is chairman-elect of the Government Documents Special Interest Section of the American Association of Law Libraries and is a director of the Washington D.C. chapter of the AALL. The local chapter has a membership of 800. **Sara Sonet** is on the chapter's general activities committee. . . . Have you seen the handsome walnut reception desk the carpenter shop has provided? If not, do come to look at it.

MARSHAL

By *Al Wong*

James L. Keena of the GSA reminds all of us that FTS should be used for all official long distance calls. The government pays $200 million a year for the FTS lines. At regular phone charges the bill would be just about double. A pro-rata share of the $200 million is assessed against each agency, including the Court. Traffic is especially light before 9 and after 5 on weekdays and all Saturday and Sunday, so Mr. Keena urges use of the FTS wherever possible at those times. What is urgent

(Continued on Next Page)

SUGGESTION

Let your local school library know that, while they last, the Foundation of the Federal Bar (suite 420, 1815 H Street, N.W., D.C. 20006) will provide a complimentary copy of the fine history of the Court, "Equal Justice Under Law."

BACK OF THE BOOK

(Continued from page 6)

for us is that 8, not 9, be dialed first for official long-distance calls; the Court gets an extra bill for every 9 call! . . . Do you have compensatory time leave coming to you? Keep in mind that it must be used within 24 weeks or it will be lost.

CAFETERIA

By **Paul Taggart**

The employees' committee has been negotiating with the Ogden Food Service Corporation, and I think that we can all be satisfied with the results. Inflation has affected cafeteria prices like all others. Despite some indications that food costs rose 10% in 1979 and will undergo a similar rise this year, the increase in cafeteria prices has been held to 7 percent in accordance with the President's guide line. In addition the employee rebate has gone back to the earlier 15%. As a compensation Ogden has added the salad bar, has held coffee to 15 cents for employees, has added hot and cold deli platters and will brighten the menu on occasion with roast loin of pork, London broil (complete with mushroom gravy) and *coq au vin*.

MORE CAFETERIA

By **Dick Burson,** Manager

Have you tried a hand at our contests? Heather Foote was the winner of the candy cane contest. Sh thought there were 926 of them in the huge jar. She was short only by two. In another contest **Jim Buchanan** and **Maeva Marcus** won the football (which went to Maeva's son). **Sergeant Jesse White** got the AM FM radio, **Beth Cooper** acquired a season's supply of hot chocolate, **Luther Isaac** picked up a stadium blanket and **Sandy Dorsey** won a thermos bottle.

MORE PEOPLE

Vickie Messent, a secretary to **Mr. Justice Marshall,** is mother of **Heather Nicole,** eleven pounds three ounces . . . **Johnnie Shaw,** the barber, is back after a three-week battle with flu. . . .

Library

By **Sharron FitzGerald**

Among additions of interest:

HECK, Edward Victor. **Justice Brennan** and the changing Supreme Court. Ann Arbor, University Microfilms International, 1978.

POLLACK, Jack Harrison. **Earl Warren,** the judge who changed America. Prentice Hall, 1979.

SINDLER, Allan P. Bakke, DeFunis and minority admissions. Longman, 1978.

Share your news and that of your colleagues with the Docket Sheet readers. Phone us on 23211 or 23212, or send us a note to room 30. Take the Docket Sheet home and keep a file, a memento of your days here at the Court.

Betsy Saxon took a quick trip home to Alabama. **Candy Atkinson** saw family briefly in Pennsylvania . . . Condolences go to **Tom Oliver** (Office of the Reporter of Decisions) on the death of his father. **Jeff Morris** taught an all-day course here at the Court for eighty political scientists. The subject was the Court. . . . **Michael Gehringer** provided a program for 300 librarians in convention in San Francisco. The subject was access to government information for those outside D.C. . . . **Frank Lorson** has happy memories of a recent trip to Paris, Vienna and parts of Hungary. . . . **Roger Jacobs** has completed a three-year term as a member of the executive board of the American Association of Law Libraries and is now chairman of that association's legislation and legal developments committee.

MORE RETIREMENTS

Two more employees with a total of fifty-one years of service to the Court (a quarter of the Court history) have retired. **Bertha Glimps,** the seamstress, who was here thirty-five years, and **Edna Wolfe,** technical assistant in the office of the Reporter of Decisions, who served the Court sixteen years. Mrs. Wolfe was an occasional contributor to the Docket Sheet. Mrs. Glimps provided the Docket Sheet with its bicentennial cover photo in July 1976. Mrs. Glimps repaired the torn flags, mended policemen's uniforms, took care of the Justices' robes, sewed seat covers for the courtroom, and did a myriad of similar chores.

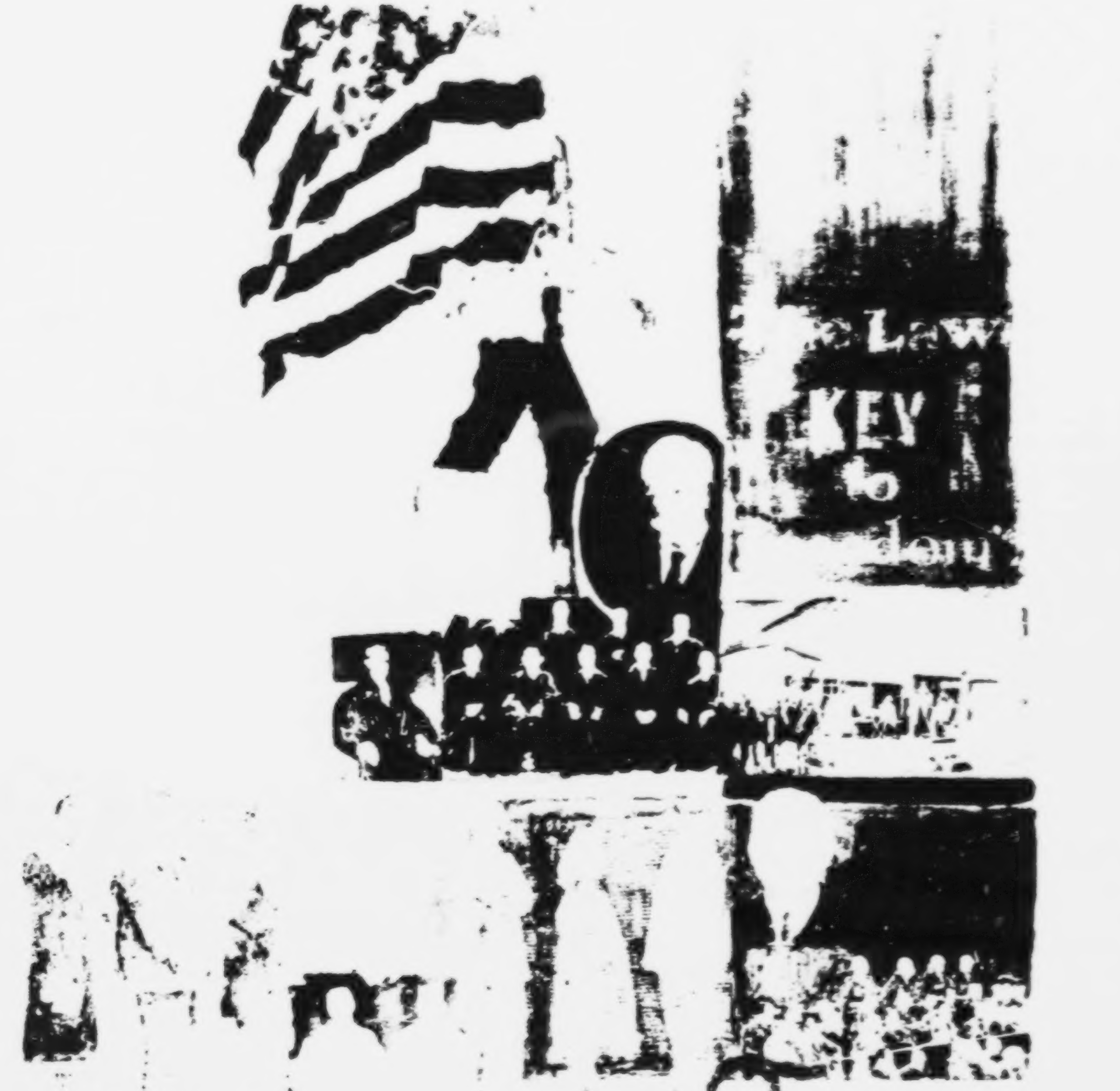
PERSONNEL CHANGES

Congratulations to **Jim Robbins** who is now Personnel and Organizational Development Officer and to **Jim Donovan,** Director of Data Systems . . . **Raymond A. Bonner,** a former Judicial Intern, is now a courtroom attendant . . . **Wellington Burton** has left the labor force to give full time to his driving school business . . . **Louis Harmon** has left the labor unit to join the Air Force.

DID YOU KNOW

That one of the most famous remarks about the Court probably was never uttered? That, at least, is what the Congressional Quarterly's recent "Guide to the U.S. Supreme Court" says about the alleged Andrew Jackson expostulation: "**John Marshall** has made his decision, now let him enforce it." CQ says that historical research indicates that the comment belongs to the same category of spurious folklore as George Washington's cherry tree. The first writer to tell the story was Horace Greeley in 1864, nearly a full generation after "Old Hickory's" death.

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn.** Assistant editors are **Betsy Saxon** and **Candy Atkinson.** Typesetting and printing is by Di Cesare & Asssociates.



(See page 2)

The Docket Sheet

VOLUME 17, NUMBER 3

JUNE-AUGUST 1980

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SUMMERTIME

(See Page 2)

17

MR. JUSTICE REED
1884 - 1980

The flags in front of the building were lowered to half staff in the first days of April for the second time in three months to mark the passing of a retired Justice

Mr Justice Stanley Forman Reed, one of the eight native Kentuckians of Court history, died at 95 years of age April 2 (He was the longest lived of the Justices of history **Oliver Wendell Holmes** was ninety three **James F. Byrnes** and **George Shiras Jr.**, the only other nonagenarians, were ninety two.)

Until the past half dozen years Mr Justice Reed, a tall slim figure, was a frequent sight in the Court corridors going to and from his chambers In recent years he and Mrs Reed had lived at the Hilaire Farm Nursing Home at Huntington, Long Island, New York Mrs Reed, two sons, John A and Stanley Jr., both lawyers, and three grandchildren, Stanley III, Walter and Harriet, all of New York, are survivors.

JUSTICE AND MRS. REED

The Justice and Mrs Reed were hometown acquaintances in Kentucky They celebrated their seventy-first wedding anniversary May 11, 1979

In a tribute to Mr Justice Reed, the **Chief Justice** said in part

"A moderate in all things and the exemplar of the true 18th century gentleman, Justice Reed wrote with clarity and firmness and his hallmark was civility at all times, even in the most controversial cases coming before the Court . His life and career make him a model to all who must deal with the great controversies of our time".

Mr Justice Reed was the sixty-ninth person to ascend the Supreme Court bench Nearly a third of all the Justices of history have come to the Court since his appointment in 1938

According to the four-volume work by Friedman and Israel, "The Justices of the United States Supreme Court" Mr Justice Reed was the last of the Justices of this Court to come to the bench without having received a law school degree Mr Reed had bachelor degrees both from the Kentucky Wesleyan College and from Yale University, and he studied law at the University of Virginia, at Columbia and at the Sorbonne in Paris, never however taking a degree in the law The Justice's situation in that regard was the rule rather than the exception in the Court's first decades, a period when lawyers customarily learned their profession as law office apprentices

Mr Justice Reed served nineteen years on the Court, writing 339 opinions President Hoover crossed party lines to name him, a Democrat, general counsel of the Reconstruction Finance Corporation in 1932 President Roosevelt made him Solicitor General in 1935, giving him the task of pleading the New Deal cases before the Court in the late 1930's Following **Hugo Black** he was the second FDR appointee to the Court After retirement Mr Justice Reed served on dozens of occasions on the Court of Claims and the Court of Appeals for the District of Columbia He served also briefly as chairman of the United States Civil Rights Commission which was set up by the Civil Rights Act of 1957

The death of **Tom C. Clark** in 1977 and of **Mr. Justice Douglas** in January mean that for the first time since the retirement of the second **John Marshall Harlan** in 1956 there is no retired Justice There have been only twelve years in this century when the same was true

Philip L. Graham, publisher of the Washington Post, **Roderick Hills**, chairman of the SEC, **Adam**

(Continued on page 3)

COVER BOX

A pleasant feature of the Court Building, seen only by those who venture above the ground floor, are the first floor courtyards, depicted on the cover The painting, done for NBC TV by courtroom artist **Betty Wells**, shows **Mr. Justice Rehnquist** in conversation with some of his law clerks

The four identical courtyards, set in a rectangular pattern on either side of the courtroom and Great Hall, have long excited imaginations here Members of the gardener staff remember one idea a Justice had to put a six inch bed of earth in each courtyard, creating grassy lawns That idea was short lived the dirt would have clogged the courtyard drains The courtyards were also presumably the place where, according to Time Magazine, two **Frankfurter** clerks of 1948 used to enjoy lunchtime poetry readings Both became members of Presidential cabinets, **Elliott Richardson** and **William T. Coleman**.

OPINIONS AND COMPUTERS

By Jim Donovan

Our transfer from the old hot-metal linotype system for printing the Justices' Opinions to a modern computer system is well underway as strollers around the building may have observed. Our tentative schedule is the following.

+For the past three months many preparatory projects have been underway. Hallway 6 in the basement which runs East from the main driveway has been sealed off temporarily for use as a furniture storage area while part of room 48 on the ground floor which had been **Ed Douglas'** furniture deposit, is being reorganized as the computer programmer office. Partitions, lights and telephones are being installed there.

With the programmer office being transferred, the computer room is undergoing many changes. A new offset press is being installed. The electrical services are being moved and a new wall and doors are being built. Digital typesetters and photo processors are going into place along with the new computers.

Room 39 meanwhile has been undergoing an adaptation as a training center for those who will be working on the Chambers-based typesetting of Opinions. Six work stations for the trainees plus a supervisory office are being arranged.

Work also is beginning on running cables from each chamber and each affected office of the Court to the computer room.

June-September

+The next four months will be busy periods as training goes on in room 39, work stations for the system are installed in each of the Chambers, the old word-processing systems are phased out, and a parallel system of printing Opinions takes form – the old hot metal method on the one hand, the computer system on the other.

October 1980 - June 1981

+Training of Court personnel will continue. Debugging of the computer printing will go on side by side with continued temporary use of the old printing method. Liaison will be maintained with each Chamber to cope with any problems.

Fall or Winter 1981

Electronic printing of Opinions will take over the full operation.

THE COURT IN HISTORY

190 years ago, August 2, 1790. The Court assembles in New York City for its second Term.

180 years ago, August 15, 1800. The Court meets for the last time in the Philadelphia City Hall, preparing to move to Washington.

145 years ago, July 6, 1835. John Marshall dies after thirty-four years as Chief Justice.

50 years ago, June 2, 1930. Harlan Fiske Stone begins 20 years' service as an Associate Justice and as Chief Justice, one of four through history who have been on the Court in both capacities.

10 years ago, June 9, 1970. Harry A. Blackmun joins the Court.

Justice Reed

(Continued from Page 2)

Yarmolinski, Deputy Assistant Secretary of Defense and **Harold Leventhal,** Judge of the United States Court of Appeals in the District of Columbia were Reed law clerks.

DID YOU KNOW

That nearly a third of the Justices of history including nine of the Chief Justices served in the Executive Branch before coming to the Court? That, at least, is what the researchers of the Congressional Quarterly came up with as they assembled material for their "Guide to the U.S. Supreme Court". They reported.

Thirty-two in all served in the Executive Branch, nine as Attorney General and eight others elsewhere in the Department of Justice. **Roger B. Taney, Nathan Clifford, Joseph McKenna, William H. Moody, James McReynolds, Harlan F. Stone, Frank Murphy, Robert H. Jackson** and **Tom C. Clark** were Attorneys General, the future President, **William H. Taft,** and also**Stanley Reed** and **Thurgood Marshall** were Solicitors General. **Byron R. White** was Deputy Attorney General. **Edward T. Sanford, Warren E. Burger** and **William H. Rehnquist** were Assistant Attorneys General. **Owen J. Roberts** was prosecuting attorney for the Teapot Dome Scandal.

Four were Secretary of State or its equivalent, **John Jay, John Marshall, Charles Evans Hughes** and **James F. Byrnes**. Others included **Smith Thompson,** Secretary of the Navy, **Gabriel Duvall,** Comptroller of the Treasury, **John McLean,** Postmaster General, **Levi Woodbury,** Secretary of the Navy and of the Treasury, **Salmon P. Chase,** another Secretary of the Treasury, **Lucius Q. C. Lamar,** Secretary of the Interior, **Willis Van Devanter** Counsel of the Interior Department, **William O. Douglas,** chairman of the SEC, **Fred M. Vinson,** Secretary of the Treasury, **Arthur J. Goldberg,** Secretary of Labor, and **Abe Fortas,** Under Secretary of the Interior.

The Docket Sheet is published once every three months during the Summer and bi-monthly the rest of the year by the Public Information Officer, **Barrett McGurn.** Assistant editors are **Betsy Saxon** and **Candy Atkinson.** Typesetting and printing is by DiCesare & Associates.

The Docket Sheet is your publication. Contribute your news (room 30, extensions 23211 and 23212). Take the Docket Sheet home and keep a file as a permanent souvenir.

TO THE EDITOR

"(**Mr Justice Douglas**) was a man of great vision, far ahead of his time I believe you had to know the Justice personally to get the full measure of the man **Justice Brennan** said he was the only real genius he had ever known I had the privilege of being Justice Douglas secretary for twenty years on the Court a challenging, and at times forbidding position but I share that sentiment He will go down in history along with **Justice Black**, as the greatest protectors of our constitutional rights", **Fay Deusterman**, Orlando, Florida *

I'm a ten year old girl and when I grow up I want to be a justice of the Supreme Court I was reading in a school encyclopedia about the Supreme Court but I didn't understand it because it was in such legal language Would you please send me a letter or something so I'll be able to understand P.S The only reason I think I'll get into the Court is because I get all A's on my report card and if I keep it up I might make a lawyer, and my best friend is going to try for Pres . Ann Shane, R D 2, New Brighton, Pennsylvania

"The Harvard Law School received the Docket Sheet but we have a very incomplete file If you could supply us with anything prior to 1977, please (do so). Myrtle A Moody, Langdell Hall, Cambridge Massachusetts

"Do you have available back issues of the Docket Sheet? We would be interested in getting a complete back run for binding for our library", Carnette McMillan, Mississippi College School of Law.

"If you have any back issues, we would appreciate receiving them", Betty J Warner, Library, University of Puget Sound School of Law**

***Reprinted from the Orlando (Florida) Sentinel Star.**

**The Government Printing Office has placed the back file of the Docket Sheet on microfiche cards By the miracle of miniaturization all pages back to Volume 1, Number 1 (December 16, 1959) fit on sixteen slides the size of postcards

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Library
Supreme Court of the United States

By **Sharron FitzGerald**

Among additions of interest

BURTON, David H editor **Oliver Wendell Holmes Jr.**, What Manner of Liberal? Krieger, 1979

HOWARD, Lowell Bennett, **Mr. Justice John Marshall Harlan** and the Supreme Court, 1955-1971 a study in federalism and judicial self-restraint University Microfilms, 1975

EHRILICH, Walter They have no rights **Dred Scott's** struggle for freedom Greenwood 1979

MAGEE, James J **Mr. Justice Black** and the First Amendment development and dilemmas of an absolutist University Microfilms, 1975

HAPPY BIRTHDAY

On June 8 to **Mr. Justice White**, and on July 2 to **Mr. Justice Marshall**

And in June To

1 Jerome Dankos
1 Dorothy Latimer
4 Cassandra Lewis
Michael Wahoske
6 Judy Honningen
James Griffin
7 Edward Szuchyt
8 Nathaniel Weldon
9 Ron Thongtavee
12 Stephen Bennett
David Hiller
14 Willie Williams
19 Shouney Lee
21 Dick Godwin
22 Pat Covington
Steve Ulrich
23 Kathleen Guidi
24 Peter Busch
Ray Bonner
26 Wayne Bliss
Judy McCullough
Ceil Sheahan
27 Paul Shectman
28 Annie Parker
29 Harry Datcher
Philip Frickey

In July to

1 Vincent Burke
David Douglas
3 Frank Kenney
Dean Ann Grzanka
4 Vic Dahlquist
5 Neil Eggleston
6 Nadine Tyree
7 David Dixon
10 John Antonio
11 Joseph Waddy, Jr
12 Michele Odorizzi
14 Charles Parker
15 Warren Andrews
16 Yvonne Rogers
17 Calvin Todd
Ernest Mickens
19 Coleman Williams
21 Jean Douglas
Howard Martin
Walter Jackson
Charles Smith
22 Clinton Frank
23 Bob Marsel
Kathleen Hanley
26 Walter Robertson
27 John Drexhagen
James Henderson
28 Bill McCormac
Trudy Fry
Janet Cooper
29 Morris Garner
30 Cliff Geisler

And in August to

1 Bob Higbie
2 Eugene Sartori
Jim Cohen
Cornelia Brown
3 John Nichols
Thelma Hodges
4 Henry Johnson
5 Bill Gullickson
Gloria Elder
9 Clare Bailey
Ruth Billingsley
9 Arnettis Swinson
12 Paul Smith
13 E J. Shegonce
15 Walter Black
Mary Fowler
16 Paul Taggart
Sam Seabrook
18 Gail Galloway
Robert Weaver
19 Joe Smith
21 Jean Clemencia
Francis Kehoe
Loretta Ruffin
Donald Baker
22 James Donovan
27 Sharon FitzGerald
Edith Parks
William Trosky
28 Maureen Mahoney
Joe Thompson
29 Mark Cannon
30 Wanda Syverson

LIBRARY YEAR IN REVIEW

By **Roger F. Jacobs**

Despite many retirements and other personnel changes the Library can report notable advances during the past year in its effort to serve the Court in better fashion. These are some highlights.

One hundred and thirty thousand dollars were spent during the year to add new materials to our collection. This was an increase of just under ten percent compared with the year before. We added 777 books, a rise of 300 in one year. The number of new bound volumes placed on our shelves was 5,134, a drop of 900. (This decline was caused in part by discontinuing the practice of binding Congressional hearings and committee prints.)

Also added during the year were 5,831 government documents and 25,317 serial items such as law reviews and looseleaf service packets.

Another chore of **Sharron FitzGerald's** Technical Service staff was to work on reorganizing our classification to the Library of Congress. A total of 3,329 titles were transferred from the old classification to the Library of Congress' standardized system. An additional 994 titles were analyzed and recorded afresh.

Circulation Services

We asked law clerks during the year which Library activity seemed of greatest use to them. Many cited the efforts of **Robert Higbie's** circulation section.

The circulation staff thinned out crowded shelves by removing 4,602 items seen as no longer necessary. Phones rang insistently: the circulation department responded to 10,003 calls. Our Library assistants made 4,935 trips around the building, nearly 100 a week, delivering 15,600 items and rounding up those ready to return. This was 1,435 more building runs than in the year before, a rise of almost a third.

A half a dozen times a day - 2,061 times during the year - we had to turn to the Library of Congress to meet the needs of the chambers and of the Court staff. Once a week - seventy-four times during the year - we had to call upon aid from other institutions.

Research Services

This was the first year during which callers seeking specific volumes were invited to go directly to the Circulation Services, leaving **Michael Gehringer's** Research Services free to devote more time to actual research problems. The Gehringer staff fielded 17,424 requests. In order of ascending difficulty we grouped these as "directional" (68 percent), circulation (7 percent, a small number because so many went directly to the Higbie section), and research proper (25 percent). Unlike the circulation staff which was able to answer 85 percent of requests from within our own 230,000 - volume collection, the Gehringer group had to cross East Capitol Street to the Library of Congress (on foot sometimes - but mostly by phone) for fully forty percent of the pure research inquiries. This poses a problem for that time, which will be soon, when the Law Library of Congress is moved to the new Madison Annex on Independence Avenue. To avoid lost time and extra expense our own collection may have to be expanded.

ROGER JACOBS

To plan use of our staff we studied the curve of demands which are made upon us and found the following. October through January: very busy. Oral Arguments resume and cases are considered on the merits. February: relatively low activity. Winter recesses and snowy weather may account for the drop. March: a moderate rise over February. April: a decline toward February levels. The end of oral argument may be a factor. May: busy though not quite at the November-December level. The last

(Continued on Page 8)

BACK OF THE BOOK
FROM AROUND THE BUILDING

LARRY GILL

Acting Deputy Marshal **Larry Gill** has been selected from a field of more than 300 applicants to become Clerk of the Supreme Court of California.

Larry, age 44, came to the Supreme Court of the United States five years ago. During this time he has directed several significant innovations. His first was described in a by-lined article for the Docket Sheet in the December 1975 issue: the introduction of the "open office plan" to the Office of the Clerk. Until then the Clerk's Office was scattered across the East side and part of the North side of the ground floor. Under the open office plan the Clerk's staff was regrouped into a single L-shaped room separated into functional areas by seven-foot partitions and overhung by an acoustical ceiling. The scheme preserved a degree of privacy for each staffer while making it possible to cover one another's telephones and to share workloads as they piled up in one area and slacked off in others.

In mid-1979 Larry moved to the Marshal's office where his interest in computerization continued. He redesigned the layout of the computer room and production area in room 16 on the ground floor to improve the work flow from the Burroughs computer, the Atex word-processing and publications system, and the copy center.

Larry is a Seattle native. He took a B.A. from the University of Puget Sound and a Doctorate of Jurisprudence from Gonzaga U. in Spokane. For more on Larry's bio, see the Docket Sheet of December 1979.

DEPUTY MARSHAL

Dina Zucconi is the new Deputy Marshal of the Court. A Washington native, Miss Zucconi has been a staff member of the Court since 1951. For the past 27 years she has served as a witness at the annual budget hearings before Congress. In 1958 Miss Zucconi became the Court's budget and account analyst, and in 1974 Assistant Marshal. Miss Zucconi is **Marshal Al Wong's** chief assistant for budget and finance, and is the Court's Assistant Disbursing Officer. Miss Zucconi had been Acting Deputy Marshal since last year. (See Docket Sheet of December, 1979).

CLERK'S OFFICE

By **Mike Rodak**

Our big news are new Rules of the Court incorporating the first major changes in a decade.

We have a color code now for pleadings - white for petitions for cert, light orange for responses, light blue for briefs on the merits from petitioners or appellants, light red for merit briefs from respondents or appellees, yellow for reply briefs, green for the amici, tan for joint appendices and gray for Solicitor General submissions.

There are page limitations for briefs which sometimes heretofore have not been brief: fifty pages maximum now for briefs on the merits, twenty for replies.

Fees for admission to the bar of the Court ($100 now) and for docketing a case have been increased, and there is a new $50 fee for petitioning for rehearing.

Sixty days from judgment is the time limit for appealing a state or federal criminal conviction. A case will be deemed to be timely filed if a member of our bar files with the Clerk a notarized statement that the pleading was in a United States post office or mailbox with proper address and prepaid first class postage within the allotted time limit.

The order of items in jurisdictional statements and cert petitions is altered: the question presented now comes first.

MARSHAL'S OFFICE

By **Al Wong**

Facilities for the handicapped (seeing eye dogs in the Courtroom, sign language interpreters at some Oral Arguments) have been supplemented with ramps allowing wheelchairs easy access from the Maryland Avenue side*.

*For more on aid to the handicapped see the Docket Sheet of March 1979.

ANNIE BETHEA

Mrs. Annie Bethea has retired after twenty-eight years of service to the Court. Mrs. Bethea was one of the housekeepers for her first twenty years here. Then, in 1972, she joined **Mrs. Virginia Twitty** in the laundry room, helping with the six or seven huge washing machine loads which are every day's labor in the basement laundry room. It was thanks in good part to the efforts of Mrs. Bethea and Mrs. Twitty in these recent years that our Police have been turned out so smartly, tablecloths at receptions have been so resplendent, and the refurbished cleaning cloths of the housekeepers have been so effective. (See Docket Sheet of December 1977).

COMINGS AND GOINGS

Victoria Moran is a new Assistant Clerk and **Nino Meksvanh** is now Assistant Clerk and Computer Operator . . . **Roland Goldstraw** is a new Computer Printing Specialist . . . Additions to the Library messenger staff are **Melvin Manuel, Raleigh Kraft** and **Jesse Jones** . . . **Edward L. Hall** is new to the labor force and **Jeannette Perry** to the staff of housekeepers . . . **Earlene Lewis** has resigned from the Secretarial Support Unit. **Gloria Elder,** managing secretary of the same unit, announced similar plans.

SPENCER CAMPBELL

The Court heard with sadness of the death on February 25 of **Spencer Campbell.** Spencer retired in the final week of 1978 after forty-one years of service to the Court. In 1932 as a young man from Chilton County, Alabama, Spencer had been hired by a Senator of his home state, **Hugo Black,** to be a chauffeur. For the next four decades he was with Mr. Black, first at the Senate, then here. At the death of Justice Black, Spencer became the messenger for **Mr. Justice Powell,** serving in that role until his retirement. (See Docket Sheet of March 1979).

MORE PERSONAL

Marty Yopp, making final dispositions in the chambers of the late **Mr. Justice Douglas,** is also at work on a doctorate in higher education at George Washington U. Marty left Mr. Justice Douglas in the middle 1970's to be director of public relations at the community college in Lake City, Florida. She returned here when **Rebecca Judge** resigned to give full time to her two children, including newborn **Sierra** . . . **Librarian Jacobs** attended a meeting of the executive board of the American Association of Law Libraries in Phoenix . . . Harper and Row have published "**John Jay,** the Winning of the Peace, 1780-84" by Richard B. Morris, the historian, father of **Jeff Morris** . . . **Pat Evans** attended a seminar at the U. of Maryland on research in the economics area . . . **Clare Bailey** and **Richard Gibson,** others on the Library staff, took a course on legal bibliography at the Library of Congress . . . **Sara Sonet** went to New York for an online information program . . . **Sharron FitzGerald** and **Kathleen Hanley** are studying the Anglo-American Cataloging Rules preparatory to their introduction to our Library next January.

CAFETERIA

By **Dick Burson**

Have you been watching the improvements in the snack bar? Besides a repainting to make the room a cheerier place, and the inclusion of new tables to accomodate more people, study is being given to wall decorations including portrayals of Court scenes . . . The ebb and flow of tourists keeps us busy trying to calculate food needs. Demands for food shift as much as twenty-five percent in a day . . . Court employees continue to be great guessers. We had 955 jelly beans in a jar and **Claudia Schlosberg** guessed 953 (winning a three-foot tall stuffed Easter bunny.) **Dick Godwin** and **Virginia Twitty** tied for second place (winning smaller bunnies) and **Louise Graves,** in third place, took home all 955 jelly beans.

THE JUSTICES

The **Chief Justice** [illegible] the State Courts.

[illegible] **Mr. Justice Brennan** [illegible]

[illegible] **Mr. Justice Stewart** [illegible] Brewster [illegible] Ambassador [illegible]

[illegible] **Mr. Justice Marshall** [illegible]

Mr. Justice Blackmun [illegible] San Francisco [illegible] professor [illegible]

Mr. Justice Rehnquist [illegible]

Library Year

[illegible]

[illegible] during the year [illegible] LEXIS [illegible] month, the New York Times Information Bank 2.2 hours, SCORPIO 8.5 hours and JURIS 7.2 hours. All this reflected the fact that Court information needs regularly went beyond what the traditional law books could provide.

the Odell McConnell law center at Pepperdine University, Malibu, California.

Mr. Justice Stevens was chosen as the first of the visiting fellows of the U. of Chicago in a new program at the university calling on the designees to share student housing and meals. The Justice spoke at the dedication of the U. of Arizona college of law. He judged a moot court at Duke.

The will of **Mr. Justice Douglas** provided for a [illegible] retreat in Pictou County, Nova Scotia, for persons doing creative work, and with preference going to those from Mongolia, China, Russia, Vietnam and Iran.

Joan Baez, the singer, is the recipient of the annual **Earl Warren** award of the ACLU of Northern California. [illegible] A high school in Duncan, South Carolina, is named for **Mr. Justice James F. Byrnes**.

Lewis Paper is preparing a book on **Mr. Justice Brandeis**. [illegible] The Brandeis Club, founded by adolescent boys at the Jewish Community Center in Northwest Washington, has been meeting every Tuesday for forty-eight years. The youngest member is now 58. [illegible] Elizabeth Taylor Warner received the annual Brandeis award for "endless devotion [illegible] to Israel." The **Benjamin N. Cardozo** lodge of the Knights of Pythias has a project to place a bust of the Justice in the Fair Lawn, N.J. public library.

John Marshall law school of Chicago celebrated its 80th birthday.

An elm whose planting was directed by **John Jay** in 1797 has been converted in part into judicial gavels. Because of disease the tree was cut down last year. The elm grew at the old Jay estate in Rye, N.Y., the 24-acre property now a headquarters of the New York conference of the United Methodist Church. [illegible] John Jay graduated second in the King's College (Columbia) class of 1764, but he also finished at the bottom of the class since there were only two graduates, the New York Times recalled. Richard Harison was first but Columbia has no memory of him. Columbia has begun annual John Jay awards for distinguished alumni.

QUOTATIONS

"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only." **Mr. Justice Roberts**, dissenting in *Smith v. Allwright*, Election Judge, April 3, 1944.

"The majority is apparently engaged in the delicate task of riding two unruly horses at once." **Mr. Justice Harlan**, dissenting in *Garrity v. New Jersey*, January 16, 1967.

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The [illegible]

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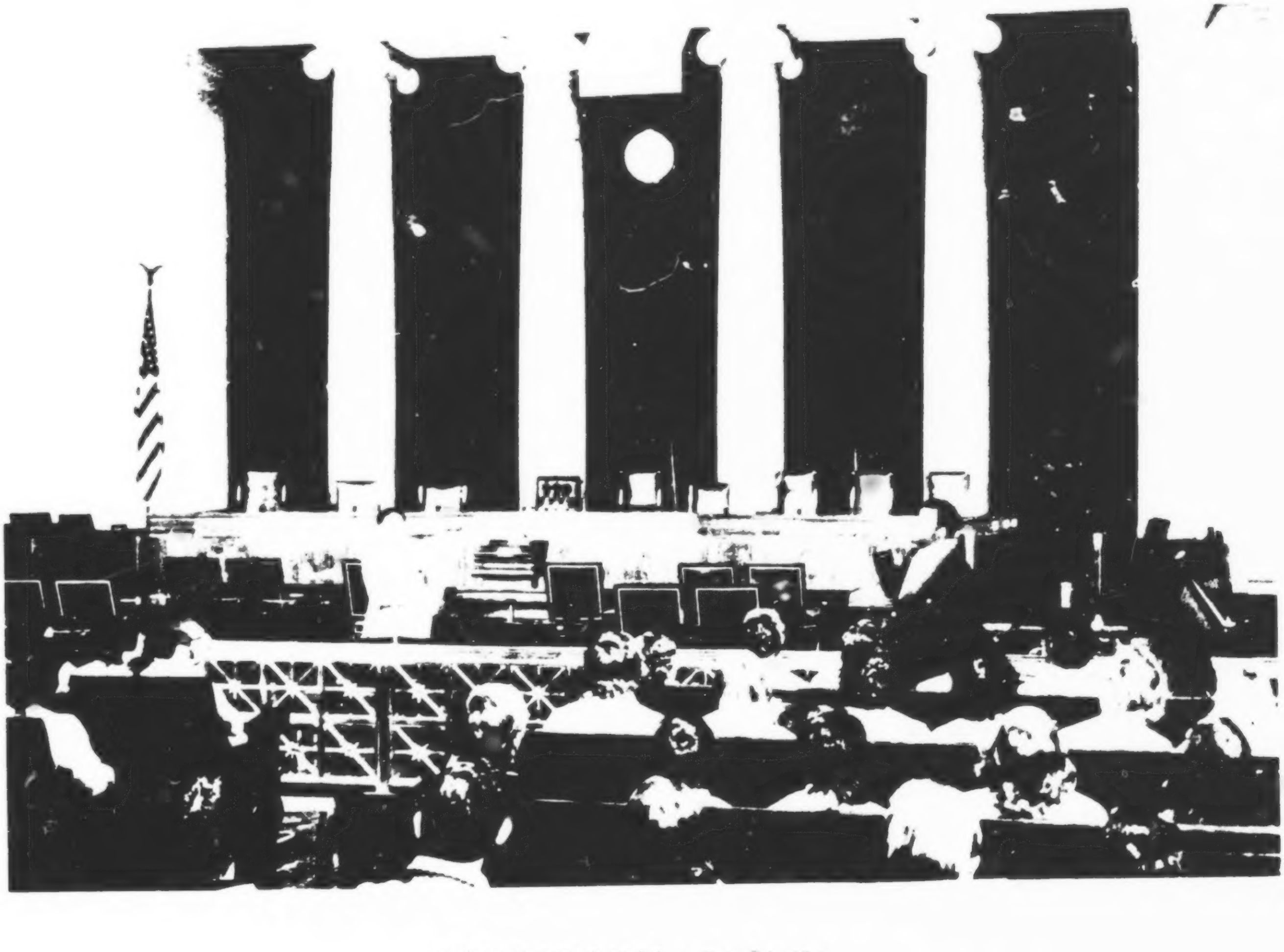

COURTROOM LECTURE

(See Page 2)

25

LIFE AT THE COURT

By **Mr. Justice Powell***

With all (the) perplexing problems (which face us as a nation), public interest in what goes on at the Supreme Court continues to be high. Rumors often perceived to be facts - have circulated for years. It might be of interest to (review) some of the misconceptions that seem to intrigue the public. First, I observe that those of us who work quietly in our marble palace find it difficult to understand this apparent fascination with how we go about our business.

The Court is a place where Justices, and their small staffs, work extremely long hours; where the work is sometimes tedious, though always intellectually demanding; where we take our responsibility with the utmost seriousness; and where there is little or no time for socializing . . . .

It is natural . . . to be curious about secrets. For years . . . there have been stories and gossip about secret goings-on-behind the Court's closed doors.... The fact is that the extent of our secrecy is greatly exaggerated . . . . The charge of secrecy relates only to the discussions, exchanges of views by memoranda, and the drafting that precede our judgments and published opinions. As lawyers know, we get together almost every Friday to discuss petitions by litigants who wish us to hear their cases, and to debate and vote tentatively on the argued cases. Only Justices attend these conferences . . . . The Chief Justice, and the most junior Justice, have the responsibility of recording our votes. These votes always are tentative until the cases are finally decided and brought down . . . . We rarely discuss cases with each other before going to conference. After a tentative vote has been taken, the drafting of opinions is assigned to the individual Justices. When a Justice is satisfied with his draft, he circulates it to the other Chambers. Comments usually are made by exchanges of memoranda, although we feel free to visit Justices and discuss differences. There is less of this than one would like, primarily because of our heavy caseload and the logistical difficulties of talking individually to eight other Justices.

The process that I have described actually may take months after a case is argued. Th preparation of an opinion often requires painstaking research, drafting, and revising, and additional efforts to resolve differences among Justices to the extent this is feasible.

It is this unstructured and informal process—the making of the decision itself, from the first conference until it is handed down in open Court—that simply cannot take place in public . . . .

The integrity of judicial decision making would be impaired seriously if we had to reach our judgments in the atmosphere of an ongoing town meeting. There must be candid discussion, a willingness to consider arguments advanced by other Justices, and a continuing examination and re-examination of one's own views. The confidentiality of this process assures that we will review carefully the soundness of our judgments. It also improves the quality of our written opinions . . . .**

The nine Justices often are portrayed as fighting and feuding each other . . . . This is a wholly inaccurate picture . . . . At the personal level, there is genuine cordiality . . . . We lunch together frequently, visit in each other's homes, celebrate birthdays, and enjoy kidding each other during our long and demanding conferences . . . .

The media's erroneous perception of discord on the Court perhaps is based on a failure to distinguish between personal and professional disagreement . . . . We do indeed have strong professional differences about many of our cases. These are exposed for the public to see . . . . We record fully our disagreements in dissenting opinions . . . . It is fortunate that our system . . . invites and respects . . . the function of dissenting opinions. The very process of dissent assures a rigorous testing of the . . . majority view within the Court itself, and reduces the chance of arbitrary decision making . . . .

If I seem partisan on behalf of the Court, it is because I am . . . . All three branches of our government have supported the great ideal of ordered liberty. Yet it is the courts-led by the Supreme Court - that have assured it. The American

(Continued on page 4)

COVER BOX

Russell Boston of **Marshal Wong's** messenger staff is shown in the cover picture looking on as **Bill Matthews**, chief of the Marshal's messengers, lectures to tourists in the Courtroom. Given that the Justices are on the bench only about seven days a month during the active Term, the Courtroom lecturers are the staff representatives who are seen and heard most frequently by visitors during the course of the year. During the 12 months ending May 1 Oral Arguments were heard for varying periods (three minutes up to two hours) by 66,747, but well over double that number (146,244) sat in for the ten-minute courtroom presentations by staffers.

LAW CLERKS*

Few staffers at the Court attract such enduring interest and attention as the law clerks.

England has none, but they are a significant part of the judicial scene all across this country. It may seem odd that this Court had no law clerks for the first half of its history and that, in effect, the custom of having law clerks was born here.

Justice Horace Gray is the father of the law clerk institution. Before coming to this Court in 1882 he was Chief Justice of the Supreme Judicial Court of Massachusetts. It was his custom there to hire a recent honor graduate of the Harvard Law School at his own expense - to serve as his legal assistant. He brought the practice with him when he came here. In short order all the other Justices followed suit and in 1885 Attorney General A.H. Garland asked Congress to pay the law clerk stipends just as the government also financed aides for Senators and heads of federal departments. Attorney General Garland mentioned the figure he thought right to obtain the proper talent: $1,600 a year. Congress concurred. Each Justice was authorized one law clerk, a figure expanded to two in 1947, three in 1970 and now, where Justices wish it, four.

Harvard was in on the ground floor when the then Chief Justice Gray looked around Boston for his first law clerk and Harvard never has lost its key position as a law clerk supplier. To an important degree it has been a two-way street with law clerk alumni heading back to the Cambridge campus. In 1971 the Congressional Record reported that thirty-five percent-125-of the 361 law clerks of the previous decade were Harvard products, with Yale accounting for another fifteen percent - 60 all told. "Juris Doctor" noted in 1972 that "a quarter of the current Harvard Law faculty and fifteen percent of the Yale Law faculty" were ex-law clerks of the United States Supreme Court. A clerk of **Mr. Justice Brandeis** - **James M. Landis** - left here to serve successively as chairman of the Securities Exchange Commission and as dean of the Harvard Law School.

DID YOU KNOW

That the first five Terms of this Court fill fewer than four pages in the United States Reports (Dallas 2, pages 399-402).

Alexander J. Dallas, the first Reporter of Decisions**, covered the first two Terms of the Court (in New York City in 1790) and the next three (in Philadelphia) as an afterthought in his volumes on Pennsylvania court activities. The Court at the time had two Terms a year, one in February and the other in August. Proceedings at the August 1790 Term must have been desultory, Mr. Dallas covered them in three and one-half lines of type. The first Philadelphia Term, February 1791, was scarcely busier, Mr. Dallas needed only six lines for that. August 1792 required thirteen pages, however, and after that a more modern rhythm set in.

Nowadays, with one Term a year, the picture is different. In contrast with the three and one-half pages Dallas gave the first five Terms of this Court, the twenty-five volumes of the United States Reports which cover the five 1972-1977 Terms contain a total of 25,000 pages.

*See Dallas 2 on the shelf behind **Jenny Lazowski's** desk, and at other points throughout the building.

Predecessor of **Henry Lind.

Mr. Justice Gray never forgot Harvard as a fruitful source of law clerks during his tenure here (1882-1902). He was followed on the Court by **Oliver Wendell Holmes** who showed a like mind in his thirty years. A Holmes colleague, Mr. Justice Brandeis (1916-1939), similarly looked to the crimson campus. The two used a talent scout who in turn arrived as a Justice, **Felix Frankfurter** (1939-1962). Justice Frankfurter stayed with the Harvard tradition of which he was such a key part although he did permit important exceptions such as **Anthony Amsterdam** of the Pennsylvania Law School (now a professor at Stanford).

"Lion's share" has never meant monopoly, however. While Potomac Magazine detected an emphasis in the middle 1970's on Harvard, Yale, Columbia, Chicago and Michigan law graduates (followed by Pennsylvania, Stanford, Berkeley and Virginia), the 1973-1978 rosters recorded 115 law clerks from Harvard, Yale, Virginia, Stanford, Chicago, Michigan, Pennsylvania and Columbia, but also six from Texas and others from Minnesota, Northeastern, Berkeley, Boston College, Boston University, Catholic University, Vanderbilt, the University of Southern California, Duke, Arizona, Indiana, Colorado, Illinois, Washington and Lee, Backus (formerly Western Reserve), Santa Clara, Washburn, Loyola, Mississippi and North Carolina.

The title "law clerk" goes back only to 1919. Mr. Justice Holmes was the first to use that name for his young assistant. When Attorney General Garland sought funds for the position he used the title "stenographic clerk". Secretary, law assistant, research aide, legal assistant and even briefing attorney are other names which have been used as the role and name of the law clerks gradually have evolved through the past century.

Law clerks have gone on to some of the most advanced corners of American society. In addition to

(Continued on page 4)

TO THE EDITOR

"**Pat** and I moved to Rehoboth in August after renting our house in D.C. . . . So far we find each day brings some special treat . . . a visitor, or mail, or some food from a neighbor's garden . . . I enjoy receiving the news of the Court so please continue to send (The Docket Sheet)," **Helen K. Loughran,** (Clerk's Office, retired.)

"Legal education, taught only out of books, is as dry as Death Valley. That's why I brought my law students 1,200 miles by Greyhound to visit the Supreme Court . . . What a special class this trip gave us", Professor **Paul R. Baier,** (former Judicial Fellow), Louisiana State U. Law School.

"I received in the mail an empty envelope which should have contained the latest Docket Sheet. As I value your publication, could you try again?", Raymond K. Wills, Severna Park, Maryland, senior high.

Law Clerks

(Continued from page 3)

three now on the Court (**Justices White, Rehnquist** and **Stevens**), some others have included Secretary of State **Dean Acheson,** Washington Post publisher **Philip Graham, Elliott Richardson,** many times a Cabinet member and also an ambassador, Transportation Secretary **William A. Coleman Jr.,** Attorney General **Francis Biddle,** FCC Chairman **Newton N. Minow,** SEC chairman **Roderick Hills,** Consolidated Edison board chairman **Charles Luce,** U.S. Steel board chairman **Irving Olds,** New York Life Insurance Company president **George L. Harrison,** Author **David Riesman,** Law Professor **Alexander Bickel,** author **Charles Reich,** President **Dallin Oaks** of Brigham Young University, law deans **Roger Cramton, Phil Neal** and **Louis Pollak,** Professors **Paul Freund, Philip Kurland, Laurence H. Tribe, Walter B. Leach, Guido Calabresi** and **Gerald Gunter** (to name but few), Governor **Dan Walker** of Illinois, and Judges **Abner Mikva, Henry J. Friendly, Harold Leventhal, Philip Tone** and **Louis F. Oberdorfer,** again to name but few.**

*Adapted from an article, "Law Clerks - A Professional Elite" in the 1980 Yearbook of the Supreme Court Historical Society.

**For more on law clerks, see the Docket Sheet for November 1978, January and December 1977 and July 1975.

Life at the Court

(Continued from page 2)

people have respected the courts, and they have placed special trust and confidence in the Supreme Court. In my view, this trust has been merited. In saying this, I speak not of the membership of the Court . . . at any particular time . . . . The institution, nourished by its inherited traditions, is what merits respect and confidence. Those who denigrate it do a disservice to liberty itself.

*Excerpted from an address, "What Really Goes on at the Court", May 1, 1980, to the Southwestern Legal Foundation, Dallas. Copies of the full text are available in room 30.

**Both litigants and the public could be harmed if total "openness" were to prevail. For example, the decision in an antitrust case may affect the market price of securities. Unless our initial Conference votes were final, the weeks or months of the opinion-writing process would be a continuous sideshow, with investors uncertain as to what to do. Or in a capital case that involved the death penalty, the condemned defendant would agonize over each memorandum circulated among the Justices.

HAPPY BIRTHDAY

In September to the **Chief Justice** on the 17th and to **Mr. Justice Powell** on the 18th and in October to **Mr. Justice Rehnquist** on the 1st.

Also in September to:

1 Thomas Oliver
Thomas West
2 Bruce Swartz
4 Teresa Ann Powell
Constantine Trela
5 Gav Shuler
6 Leonard Zawistowski
8 Elliot Polebaum
9 Kathy Hance
Freddie Scott
Eula Mae Waiters
11 Dot McKinney
Wendell Pugh
12 Jerold Kayden
14 Oscar Alston
16 John Sullivan
Peter Byrne
17 Ed Schade
19 Connie Murphy
21 Michael Rodak
Jesse Scales
22 Georgia McPhatter
24 Theresa Haslip
26 Nancy Porter
Theodore McGhee
27 Dina Zucconi
29 Richard Gibson
Frank Hicks
John Sexton
30 Ed Douglas
Frank Lorson
Allan Ides

And in October to:

1 Pat Evans
6 Charles Canty
8 Thompson Payne
9 Carolyn Sand
12 Henry Lind
14 Joseph Anzallo
16 Rachel Roane
20 Joseph Reil
Eileen Cincotta
21 Iris Lee
22 Theodore Truban
Jane Korte
23 Faye Veney
Annie Grace Johnson
24 Ollie Jackson
25 John Dean
26 Stephen L. Carter
29 David Hall
Della Watts
Cindy Murphy
30 Susanne Owens

JUDICIAL FELLOWS

Carroll Seron, Michael Tonsing and **John C. Yoder** are the new Judicial Fellows, succeeding **Gary J. Aichele, Philip L. Dubois** and **Donald P. Ubell,** the Fellows of the 1979 Term.

Carroll Seron is a sociologist. She has an M.A. and a Ph.D. from N.Y.U., was a postdoctoral fellow at Yale from 1976 to 1977, and has taught at the U. of Texas in Dallas since then. Michael Tonsing has a B.A. from Saint Mary's College in California, an M.A. from the Claremont Graduate School and a J.D. from the U. of San Francisco. He is hearing officer for the Public Employment Relations Board in California and is a co-founder and President of the California Administrative Law College. John Yoder has a B.A. (magna cum laude) from Chapman College, an M.B.A. from the U. of Chicago and a J.D. from the U. of Kansas. He was an Associate District Judge of the Ninth Judicial District of Kansas, the youngest judge of a court of general jurisdiction in the Sunflower State.

The Judicial Fellows program is now in its eighth year. Overseen by the National Academy of Public Administration in cooperation with the A.O., the Judicial Center and **Mark Cannon's** office, the arrangement brings to the Court and to the two other judicial agencies young talents from the various educational disciplines, providing their insights to the work of judicial administration and giving them a year's experience in the processes of justice.

Mark Cannon, executive director of the program, and **Jeffrey Morris,** one of the Fellows alumni, described the project in a nine-page article in P.S., the organ of the American Political Science Association, recapitulating the first seven years. The first two Fellows, in 1973, **Russell Wheeler** and **Howard R. Whitcomb,** were non-lawyers. Nine of the next eleven, however, had law degrees. Geography never has been a conscious factor but in the first seven years seven of the eleven federal circuit areas, nevertheless, were represented. Each of the first ten Fellows stayed on in judicial administration or returned to academia. **Jack R. Buchanan** became an Associate Professor in management Control at Harvard. **Gordon Gee** went as dean to the West Virginia law school. Others joined faculties at Lehigh, Texas Christian, Brigham Young, Virginia, Nova, Louisiana State and Southern California.

Library
Supreme Court of the United States

By **Sharron FitzGerald**

Among additions of interest:

HALL, Thomas V. The legal speaking of **Robert H. Jackson** at Nuremberg. University Microfilms, 1977.

HOYT, Edwin Palmer, **William O. Douglas**; a biography. Eriksson, 1979,

MAUNEY, Connie Pat. **Mr. Justice Black** and First Amendment Freedoms. University Microfilms, 1975.

MAGEE, James J. Mr. Justice Black, absolutist on the Court. U. of Virginia, 1979.

O'CONNOR, John E. **William Paterson,** lawyer and stateman, 1745-1806, New Brunswick, N.J. 1979.

SMITH, Donald Lewis. **John Jay:** founder of a state and nation. Columbia U., 1968.

SUGGESTION

Have you taken a close look yet at the photo exhibit **Gail Galloway** and **Susanne Owens** have mounted in the ground floor main corridor? You will find it rewarding. In addition to a panel with data on the fifteen "Courts" of history (**Jay** to **Burger**) there are old photos and new, **formal and casual, of most of the 101 Justices.**

Among the items:

Justices calling on the President - top-hatted in the **Taft** era in 1929, less formal in a call on President Jimmy Carter,

A straw-hatted **Hugo Black** climbing from a cab on his way to FDR after nomination to the Court,

Pierce Butler eyeing newsreel men warily on his 73rd birthday in 1939,

Chief Justice Hughes at the 1932 cornerstone-laying for this building,

The elderly **Holmes** and **Brandeis** arm in arm on a winter's day,

The two **Peckham** brothers, Wheeler and **Rufus**, both of them Cleveland nominees to the Court, but only the latter confirmed,

The 1888 **Waite** Court, half-bearded, half-clean shaven, and

Samuel Chase, the one Justice to be impeached (though not convicted), his long, curly hair spilling below his shoulders.

THE COURT IN HISTORY

225 years ago, September 24, 1755. Birth of **John Marshall.**

200 years ago, 1780. Death of **Sir William Blackstone**, the "hero of the common law".

170 years ago, September 13, 1810. Death of **William Cushing**, George Washington's third appointee to the Court.

135 years ago, September 10, 1845. Death of **Joseph Story** at 65 after 32 years on the Court.

70 years ago, October 10, 1910. Charles Evans Hughes joins the Court.

45 years ago, October 7, 1935. Court sits here for the first time in a building of its own.

BACK OF THE BOOK
FROM AROUND THE BUILDING

DEPUTIES TO CLERK AND MARSHAL

FOTO-PUGH

AL STEVAS

FOTO-PUGH

CHARLES CORNELISON

Alexander Stevas is the new Chief Deputy Clerk of the Court and **Charles Cornelison** is Deputy Marshal.

Mr. Stevas is the first to occupy the office of Chief Deputy Clerk since **Mike Rodak** stepped up from that position to become the sixteenth Clerk of Supreme Court history. Mr. Cornelison succeeds **Larry Gill**, the new Clerk of the California Supreme Court.

Mr. Stevas is a native of New Castle, Pennsylvania. He is married to **Gladys Rauh Stevas**. They have a son, twenty-two. Since 1970 Mr. Stevas had been Clerk of the District of Columbia Court of Appeals where, in 1975, he earned President Ford's Management Improvement Award. He is a past president of the National Conference of Appellate Court Clerks (1978-1979). From 1963 to 1970 he was Chief Deputy Clerk of the United States Court of Appeals for the District of Columbia Circuit. He served as a law clerk to Judge Alexander Holtzoff of the United States District Court for D.C. from 1951 to 1952 and was an Assistant District Attorney in D.C. from 1952 to 1963.

Mr. Cornelison was born in Cincinnati and is a veteran of over twenty years of service in the Army, much of it in administrative and supervisory positions in the Judge Advocate General's area. Besides holding the combat and expert infantryman badges, he holds twenty-one other awards including the Legion of Merit, the Bronze Star, the Meritorious Service Medal and the Army Commendation Medal. Mr. Cornelison's final overseas assignment was in South Korea where he was chief of the administrative and operations branch of JAG in the UN Command. His final position from May 1977 until his recent retirement was as chief legal clerk in the staff JAG office of the top Army command. In that position he specialized in manpower management while acting as special projects action officer for the Army JAG.

COURT BOOKLET

The Court booklet, long familiar to tourists and to scores of classrooms across the country, will now reach an audience in a second language. The Osaka Bar Assocation Journal in Japan plans to publish a translation.

COMPUTER ROOM

Benny Lu is a new Programmer-Analyst. Benny was born in Tsingtao, China. When the Communists took over, his family went to Hong Kong where Benny became a Queen's Scout (equivalent to U.S. Eagle Scout) and where he received the Duke of Edinburgh Award (given to outstanding youths). For higher education and life goals, Benny opted for the U.S. rather than London, taking his A.B. in math in three years from the State U. of New York at Plattsburgh, and his master's in computer science from Johns Hopkins. His wife is **Wei Lan** from Lan Chow, China. The children are Downing, a daughter, 5, and David, 2.

NEW APPOINTMENTS

Robert J. Kuhn is an assistant clerk. New to the labor staff are **Patrick E. Powers** and **Darryll E. Wright**.

SUMMER STAFF

With us during the Summer were **Carl D. Mostinger, Daniel C. Richman, Lori Cooper, Tom Kilbride, Steve Zelinger** and **Page Kelley** in **Mark Cannon's** office, **Bernadine L. Morielli** in **Jim**

(Continued on next page)

THE JUSTICES

The **Chief Justice** in July visited Salzburg in Austria for a seminar of American Studies, and London for his fourth participation in the ongoing discussions among English and American lawyers and judges on the various aspects of the law . . . . The Chief Justice addressed the ABA, the ALI, and the D.C. and 2d Circuit Conferences . . . In Manhattan he dedicated the **Charles Evans Hughes** room at the Association of the Bar of the City of New York.

Jack Harrison Pollack, biographer of **Earl Warren**, caught the New Columbia Encyclopedia in an error. Page 397 called the present Chief Justice the 14th holder of the office, while page 2930 gave the same numeration to **Earl Warren**. The former was in error and editor Judith S. Levey promised a correction in the next printing.

Georgetown U. gave an honorary doctorate of laws to **Mr. Justice Stewart**, commenting in the citation that "for thirty years, he has quietly but firmly enriched public life with his intelligence, industry and integrity" . . . The Justice presided at moot courts at Syracuse and at Boston College. In April he was toastmaster at an Oxford-Cambridge dinner.

The Whittier Law review led a recent issue with the text of a dedicatory address by **Mr. Justice White**.

Mr. Justice Blackmun spoke at the Mayo Medical school commencement exercises in Rochester, Minnesota, and at the annual meeting of the American Psychiatric Association in San Francisco. In July he attended Circuit Court of Appeals conferences (the 8th in Colorado Springs and the 9th in Monterey, California.) In late August and early September he is comoderating (with Professor Norval Morris of the U. of Chicago law school) a seminar on Justice and Society . . . Aspen, Colorado.

Mr. Justice Rehnquist presided at a moot court at the U. of Alabama law school.

"A Tribute to **Justice John Paul Stevens**" led the first issue of the Chicago-Kent Law Review this year. "Some thoughts about a general rule", by the Justice, was a lead article in the Arizona Law Review.

The Library of Congress has announced that a "major portion" - 245 containers - of **Mr. Justice Douglas'** papers are now available for research by "qualified scholars, without special restrictions" in the Library's manuscript reading room. Included are law lecture notes, files referring to the future Justice's leadership of the SEC, general correspondence and "judicial case files" from 1939 through 1952". The Library said further papers would come later.

Tributes of many kinds continue to be made to the late Justice. The Harvard Law Review ran articles by the Chief Justice and former Douglas clerks, **David Ginsburg** and **Vern Countryman**. The Yale Law Journal published tributes including one from former Justice **Abe Fortas**. The Nebraska Law Review carried remarks of Mr. Justice Blackmun and others. Further tributes were in the Columbia Law Review, the Connecticut Bar Journal and the Ecology Law Quarterly.

(Continued from page 6)

Robbins' department, **Tamah Terry** and **Marina Hsieh** in the Information Office, **Karen Bizier** and **Timothy Carey** with **Gail Galloway**, **Stephen L. Bradford** and **Edward A. Gledgowd** with **Clerk Rodak**, **David R. Hotchkiss**, **Gregory C. McCaffery**, **Cheryl A. Gannon** and **Barbara Loonan** with **Librarian Jacobs** and **Patricia M. Powis**, **Andrew Kahn** and **John D. Smith** with **Marshal Wong**.

CONDOLENCES

Condolences go to **Mike Rodak** on the death of his eldest son, **Michael III**, killed in a rafting accident on the Nenana River below Mount McKinley in Alaska. "Chip" served with the 101st Airborne Division in Vietnam, going from private to lieutenant in six months. He had no formal flight training yet he was awarded the Distinguished Flying Cross for landing a crippled helicopter safely after the pilot was wounded mortally and the copilot suffered other severe wounds. A lover of the outdoors, Chip had a two-year grant from Alaska and from the state university while working toward a master's degree in ecological and environmental problems.

Condolences go to several other families as well. **Willie Feary**, a plumber here for a quarter of a century, until 1977, died at 64. Willie was a boxer. At age 14, weighing 112 pounds, he joined D.C.'s Southwest Boys CLub, earned a reputation for being "sleek and potent as a piston", and went on to become the Golden Gloves lightweight champion for 1936.

Another who has died is **Judge James Jacques Robinson**, who worked here on the Federal Rules of Criminal Procedure in the early forties. Many will recall him as a tiny white-haired man seen often in recent years lunching in our cafeteria.

YESTERYEAR IN THE DOCKET SHEET

April, 1962: "Both flagpoles on the front plaza will soon be repainted (two coats) as part of a building 'touch-up' painting job, according to **Ray Clowers**, Supervising Engineer".

DEPARTURES

Candy Atkinson has left the Information Office to become **Mrs. Mark Foucart**, bride of a young Lutheran seminarian in New England . . . Others who have left the Court are **Edward Pitts**, **Joanna Clark**, **Akiko Lloyd** and **Frank Kenney**.

The Docket Sheet is a bi-monthly, published by the Public Information Officer, **Barrett McGurn**. **Betsy Saxon** is assistant editor. **DiCesare & Associates** are type-setters and printers.

NEXT ISSUE: TRIVIA

MR. JUSTICE MARSHALL

FOTO-JOSEPH A. DEPAOLA
SUNPAPERS

SCULPTOR AND BUST

An eight-foot seven-inch tall bronze statue of **Mr. Justice Marshall** stands now at the Federal Courthouse in Baltimore honoring the first native of that city to join the ranks of the 101 Justices of United States Supreme Court history.

Reuben Kramer, another native Baltimorean, was the sculptor. He was chosen in a nationwide competition in which forty others vied for the honor. Mr. Kramer worked three years on the project.

The statue shows Justice Marshall in his Court robes. A rugged uneven surface catches and reflects light. Mr. Kramer told newsmen that his intention was to show the Justice's figure standing "straight and tall . . . like a great oak tree, growing strong and powerful". The statue is across the street from Baltimore's new harbor development which includes civic and trade centers.

Mr. Justice Brennan spoke at the statue's dedication this Summer commenting that Justice Marshall was "one of the great advocates" in Supreme Court history, one who, as an NAACP lawyer, "started this nation on the road to the end-not yet arrived-of racial discrimination".

FOTO-LLOYD PEARSON
SUNPAPERS

FINISHED BRONZE

QUOTATIONS

Mr. Justice Frankfurter:

For the Court in Estate of Rogers v. Commissioner of Internal Revenue, December 6, 1943:

"In law also the right answer usually depends on putting the right question", and

In dissent in Priebe & Sons Inc. v. the United States, November 17, 1947:

"But answers are not obtained by putting the wrong question and thereby begging the real one."

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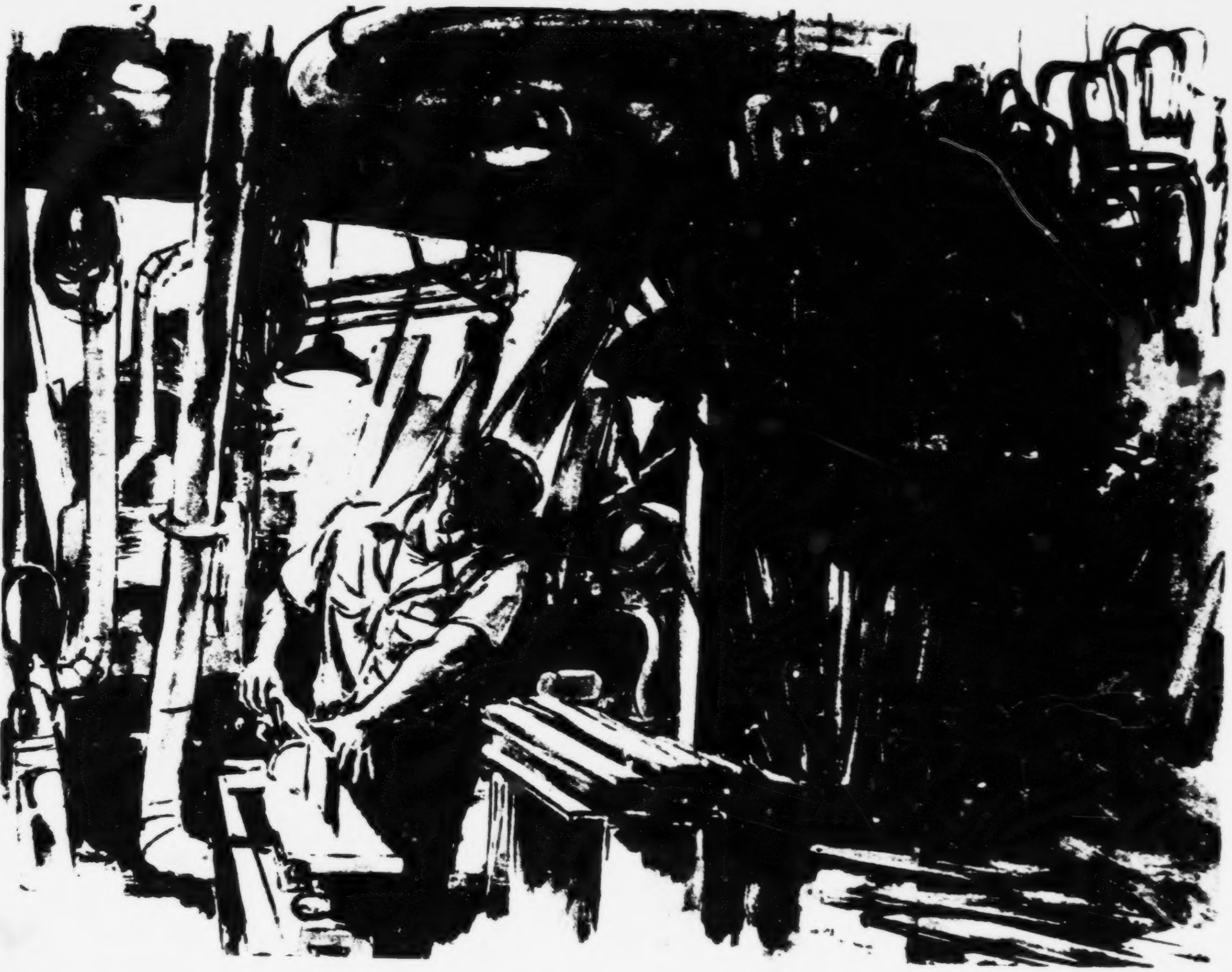
The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 17, NUMBER 5

NOVEMBER-DECEMBER 1980



© Betty Wells

Ed Douglas

(see page 3)

TRIVIA

Trivia fans may be interested in a questionnaire worked up by Maurice Kelman, a professor of law at Wayne State University. Much of it concentrated on the history of the Supreme Court.**

1. President Carter has appointed no member of the Court. What other presidents named no Justices?
2. Which Justice was the most recent recess appointee?
3. Which member of the Court served for the shortest period?
4. Who resigned only to be reappointed to the Court?
5. Who was the oldest appointee?
6. Who was youngest among the Chief Justices?
7. Which Chief Justices served first as Associates?
8. What was the longest tenure of a Chief Justice?
9. Who said: "We are under a Constitution, but the Constitution is what the judges say it is".
10. Who said: "There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals . . . would also be reversed."?
11. Who said: "We are a religious people whose institutions presuppose a Supreme Being."?
12. Who said: " I know it when I see it . . . "?
13. Who said: "The Constitutional Bill of Rights (is not) a suicide pact"?
14. **William Howard Taft** went from the Presidency (1909 - 1913) to the office of Chief Justice (1921-1930) but which future President refused a Court appointment after confirmation by the Senate?
15. When did Massachusetts, Georgia and Connecticut ratify the Bill of Rights?
16. Which Supreme Court decisions prompted Constitutional amendments?
17. Name a case decided within the space of two weeks in the federal district court, the U.S. Court of Appeals and the Supreme Court.
18. Cite a case which expressly overruled an earlier decision, only to be overruled in turn.
19. Name a case in which a Justice wrote the majority opinion expressly overruling one of his own prior opinions.
20. Name a case in which a Justice objected to a decision which agreed with his own earlier dissent.
21. Name a decision in which the Court Opinion was written by a Justice who disagreed openly with a key section.
22. In which famous case did the Court overrule a century of decisions without either litigant so requesting?
23. Marbury v. Madison was the first decision to hold an Act of Congress unconstitutional, but what was the first state law ruled to be in violation of the Constitution?

(Continued on p. 4)

THE NEW TERM

The new Term of the Court was preceded by a several-day meeting of the Justices handling the longest Conference List in the 190-year history of this institution.

On the list were 1,102 cases. The lion's share were petitions for writs of certiorari (1,003) but there were also sixty-nine appeals, seventeen petitions for extraordinary writs and three requests for a rehearing.

By comparison the similar conference of 1979 faced a list of 981. The longest previous conference was in the Fall of 1973 when 1,082 items were on the List.

The huge list was a reflection of the ever-increasing caseload. In the 1979-1980 Term there were 4,781 cases on the Court docket, compared with 4,212 in 1970, 2,313 in 1960, 1,335 in 1950, and 950 in 1920.

THE COURT IN HISTORY

3,935 years ago, 1955 B.C. Birth of **Hammurabi,** the king of Babylon, promulgator of one of the earliest humane civil codes, and one of those commemorated in the Courtroom friezes.

190 years ago, 1790. Appointment of the first Officer of the Court, Clerk **John Tucker** of Boston, the earliest predecessor of the present Clerk, **Michael Rodak Jr.**

185 years ago, 1795. John Jay begins six years as governor of New York State.

180 years ago, December 19, 1800. John Jay's reconfirmation as Chief Justice, a post to which he refused, however, to return.

100 years ago, 1880. The future Chief Justice, **William Howard Taft,** admitted to the bar in Ohio.

45 years ago, 1935. The Court gets a library all its own for the first time.

5 years ago, November 12, 1975. Retirement of **Mr. Justice Douglas.**

December 19, 1975. Mr. Justice Stevens joins the Court.

[illegible] Harold McGuire [illegible]
Mary Beth Clark [illegible] Laura Gahan [illegible]
[illegible]

MERIT AWARD WINNER

PHOTO - © "EQUAL JUSTICE UNDER LAW"

Ed Douglas and Assistant, **Frank Howarth,** at work on a Justice's chair.

Ed Douglas is the recipient of the annual Court Special Merit Award . He received a Certificate of Merit and a bonus of $1,000.

Personnel Officer **Jim Robbins** told Ed in announcing the award:

"Your continued efforts over the last nineteen years have contributed in a significant manner both aesthetically and functionally to the operation of the Court. The skill exhibited in all your work . . . has displayed a consistent dedication to a level of professional craftsmanship that is all but extinct today".

Almost every corner of the building reflects the handiwork of Cabinet Maker Douglas and his staff. No task has been too large or small. Through the past two decades the Docket Sheet has provided a running account of Ed's additions to the efficiency and charm of these premises. Thus Volume 3 in September 1962 reported that Ed and **Joe Remeikas** had placed in operation a paint-spraying booth "about as big as a good-sized tent" to help with the painting and refinishing of Court furniture. The November 1962 Docket Sheet announced Ed's promotion from furniture finisher to cabinet maker. Volume 5 of the Court house organ, in March 1964, reported that Ed had used his manifold skills to build a motor-driven wooden cylindrical device for spray painting Venetian blinds. When it came time to restyle one of the original clocks of the building, it was the Ed Douglas team, using ebony-stained white poplar, which did the job for the West Conference Room mantel (Docket Sheet, September, 1968).

The list of Ed Douglas' contributions would fill pages. When the old straight bench of the Court made it difficult for Justices to see and hear one another during Oral Argument, it was Ed Douglas

(Continued on p. 5)

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THE BAR OF THE COURT

The rising tide of lawyers seeking membership in the Court Bar is unabating but Admissions Clerk **Ed Faircloth** and his assistant, **Teresa Powell,** have never seen anything such as what happened when the Court announced that the fee would rise from $25 to $100 on June 30. Usually the Faircloth office oversees the admission of 120 to 125 lawyers each week but as the deadline for the fee rise approached the number doubled and sometimes even tripled. Ed's accounting procedures changed this year so the 1979-1980 total for admissions covers a 15-month period, up to September 30. Even with the extra three months taken into account the number of admissions was startling: 12,157, nearly double the 6,887 of 1978-1979, and twenty times the 605 of fifty years ago.

This brought to 140,934 the number of lawyers admitted to the Court Bar since the present registration system began 55 years ago. This might seem to imply that one in every three lawyers in this country is a member of the Court bar but that is not quite correct. The total takes no account of lawyers who have died or withdrawn from legal practice. Such deaths and withdrawals are reported only irregularly so no precise accounting of the present size of the Court Bar is possible.

VISITORS

Benny Lu of **Jim Donovan's** computer staff translated back and forth for an hour in Mandarin and English as a team of practicing lawyers from mainland China visited the Court to discuss the workings of law and justice in this country. It was the first time in 31 years that any such group had left the People's Republic of China to study such a system inside another country. Heading the group was Xu Hegao, director of the International Law Research Department of the Institute of Jurisprudence of the Chinese Academy of Social Sciences. With him were Shao Xunyi, Zhu Qiwu, Zhong Huihua, Lin Qibao, Li Shutang and Ding Zengqi.

Another visiting group was the British team for the quadrennial Anglo-American legal exchange. For nearly twenty years teams of a dozen or so judges, lawyers and law professors have been visiting back and forth across the ocean to study how two systems of justice with a common origin have changed and experimented through the past two centuries. **Chief Justice Burger** took part in this year's London side of the talks last July, and served as host at some of the events on this side of the Atlantic. Criminal court practice was this year's study theme. Heading the visiting British team was the Right Honorable Lord Diplock of the House of Lords, the equivalent of a Justice of this Court. Supervising the many details of the program was **Jeffrey Morris.**

Trivia Questions (Continued from p. 2)

24. Name a case in which the Court reversed itself on rehearing.
25. A niece of a deceased Justice was the defendant in a landmark freedom-of-speech case. Who?
26. The bodyguard of a Justice slew a man he perceived as an attacker of the Justice. Who?
27. Who administered the oath to President George Washington?

*Published in part in the Michigan Bar Journal, March 1980.

**For the answers, see page 5.

HAPPY BIRTHDAY

To **Mr. Justice Blackmun** on November 12, and

Also in November to:

3 Marge McFarland
Francis Stidhams
Jan Wood
4 Daniel Long
5 Lillian Tyree
Michael Gehringer
6 Allen Burgoon
7 Larry Czechanski
Ruth Robinson
Beverly Eaves
8 Grafton Gaines
Mitchell Willis
9 Robert Kuhn
Nellie Pitts
12 Johnnie Shaw
16 Luther Isaac
20 Deborah Crouch
Vicky Moran
Patricia Jones
23 Vicky Messent
Sandy Nelsen
24 David Barnes
28 Patrick Powers
William Thornton
29 Linda Blandford
Sara Sonet

And in December to:

4 Ronald Jones
6 Jennie Lazowski
Martha Minow
9 William Fender
10 Alfred Crawford
14 Kenneth Richardson
17 Robert J. Martin
Vantross Thompkins
Sherlin Duff
20 Adebayo Ogunlesi
Robert Sigona
Eugene Terry
James Wible
22 Daniel Pipeling
23 Jeanette Perry
24 Benny Lu
Maeva Marcus
25 Russell Boston
Willie Elam
26 James Volling
27 Johanna Patchan
Joseph Schafer
28 John Coleman
30 Marjorie Vaughan
31 Jacquetta Roberts
Bob Neil

TRIVIA ANSWERS

Following the replies Professor Kelman provided:

1. William Henry Harrison, Zachary Taylor and Andrew Johnson.
2. **Mr. Justice Potter Stewart** who was appointed by President Eisenhower on October 14, 1958, and was confirmed by the Senate on May 5, 1959. The only other present member of the Court named in a recess appointment was **Mr. Justice Brennan,** another Eisenhower nominee.
3. **James Byrnes** served 15 months, from July 1941 to October 1942. (Professor Kelman omits consideration of **John Rutledge** (1790-1791) who was on the Court thirteen months as an Associate and back on the Court only for four months in 1795 as Chief Justice (the Senate having refused confirmation.) Perhaps as justification of the omission Professor Kelman points out that in 1790-1791 Mr. Justice Rutledge never once sat in judgment on a case.)
4. **Charles Evans Hughes** served from 1910 to 1916 as an Associate Justice, resigned, and returned as Chief Justice from 1930 to 1941.
5. Both Charles Evans Hughes and **Harlan Stone** were 68 when named to be Chief Justice.
6. **Chief Justice John Jay** took office at 41.
7. In addition to John Rutledge and Charles Evans Hughes, two others served both as Associate Justice and Chief Justice, **Edward White** (1894-1910, 1910-1921) and Harlan Stone (1925-1941, 1941-1946).
8. **John Marshall** served 34 years (1801-1835) and **Roger B. Taney** 28 (1836-1864).
9. Charles Evans Hughes speaking in Elmira on May 3, 1907.
10. **Mr. Justice Robert Jackson,** concurring in Brown v. Allen (344 U.S. 443-540, 1953).
11. **Mr. Justice Douglas** in Zorach v. Clauson (343 U.S. 306-313 1952).
12. Mr. Justice Stewart, concurring in Jacobellis v Ohio (378 U.S. 184-197 1964).
13. Mr. Justice Jackson, dissenting in Terminiello v. Chicago (337 U.S. 1-37 1949).
14. **John Quincy Adams** in 1811 refused appointment to the Court which President Madison had tendered. In his place **Joseph Story** was appointed.
15. Their ratification was belated; it was in 1939.
16. Chisholm v. Georgia (the 11th amendment), Dred Scott v. Sanford (the 13th and 14th), Pollock v. Farmers' Loan & Trust Company (the 16th), Breedlove v. Suttles (the 24th) and Oregon v. Mitchell (the 26th).
17. The Pentagon papers case (1971).
18. U.S. v. Rabinowitz (1950) overruled Trupiano v. U.S. (1949) and was overruled in turn by Chimel v. California (1969).
19. **Mr. Justice Bradley** wrote the decision in Dunphy v. Kleinschmidt in 1870, acting for a unanimous court, yet in 1873 in Hornbuckle v Toombs he wrote for a 5-3 majority overturning Dunphy v. Kleinschmidt.
20. Chief Justice Stone dissented in Girouard v. U.S. (1946), noting that "with three other Justices of the Court I dissented in the Macintosh and Bland cases, for reasons which the Court now adopts as ground for overruling them".
21. Helvering v. Davis (301 U.S. 619-646 1936). **Mr. Justice Cardozo** delivered the Opinion in this Social Security tax case but remarked midway that "the writer of this opinion" felt that the remedy proposed was "ill-conceived" and that **Justices Brandeis,** Stone and **Roberts** concurred in that negative judgment.
22. Erie Railroad v. Tompkins (304 U.S. 64 1938).
23. In 1796 (3 U.S. - 3 Dallas, page 199) the Court found a state statute in conflict with a treaty. The case was Ware v. Hylton.
24. Reid v. Covert (354 U.S. 1 1957) by a vote of 6 to 2 overturned the case by the same name which had been decided by 5 to 3 (351 U.S. 487 1956). Jones v. Opelika in 1943 by 5 to 4 (319 U.S. 103 1943) reversed the decision in the same case (5 to 4) reported in 316 U.S., page 584 (1942).
25. The case was Whitney v. California (274 U.S. 357 1927). Anita Whitney's uncle was **Mr. Justice Stephen Field** (1863-1897).
26. Mr. Justice Stephen Field's bodyguard was David Neagle. See In re Neagle at 135 U.S. 1 (1890).
27. The oath of office was administered to President Washington on April 30, 1789, by Robert R. Livingston, the Chancellor of New York. There was no Supreme Court of the United States at the time.

Award Winner (Continued from p. 3)

who pulled the two wings forward into the present formation. When a new Justice has come to the Court through the past decade it has been Ed Douglas who has built a chair for him for use at the bench, **Mr. Justice White's** tall-backed chair serving as the model. When **Gail Galloway** creates a new exhibit it is Ed again who does the inspired carpentry work. And when **Earl Warren** retired it was Ed who worked a small miracle of furniture duplication, creating for the retired Chief Justice a replica of the handsome large desk at which he had served during his active Court years.

*The cover illustration reproduces a painting by Betty Wells, NBC-TV artist.

BACK OF THE BOOK FROM AROUND THE BUILDING

CLERK'S OFFICE

By **Mike Rodak**

Chief Deputy Clerk Al Stevas and I attended in Orlando, Florida, the national conference of appellate court clerks on the subject of management and administration. Al chaired the program committee . . . **Janice M. Wood** and **Ruby Weitzell** are new assistant clerks. Both have come from the D.C. Court of Appeals.

MARSHAL'S OFFICE

By **Al Wong**

Employees wishing to take advantage of the discount to which they are entitled at the stationery room of the Old Senate Office Building should do so before the final third of November. From then through Christmas that busy shop is closed to us ... Officers wanting to make use of the two conference rooms and of the Lawyers' Lounge are requested to make their application in writing in order to safeguard against confusion and conflicts. Demands on these rooms are heavy. We are running at the rate of about 15,000 guests in these reception areas now each year ... **Trudy Fry** has moved from **Mark Cannon's** office to become Assistant Marshal ... **Nadine Tyree** has been promoted to receptionist clerk ... **Connie Murphy** took an Office of Personnel Management course on employee benefits.

REPORTER OF DECISIONS

By **Henry Lind**

Henry Ritter, Jr. has joined us from the GPO as Assistant to **John Antonio**, the Publications Officer ... **Jesse Ronald (Ron) Jones Jr.** has moved over from the Library circulation staff to become our staff assistant. Ron is back from a week visiting his mother's family in Grenada, Mississippi, and from a weekend of "pig-pickin" in Chapel Hill, North Carolina ... **Louise B. Graves** retired in July after five years here. She had served previously with the Federal Trade Commission and the National Geographic Magazine ... Mrs. Lind and I enjoyed two weeks in England and Scotland in September. In addition to London and the Scottish Highlands we were able to visit many other delightful places: Edinburgh, the English lake district, Chester, Llangollen in Wales, Stratford-on-Avon and Stonehenge among them.

LIBRARY

By **Roger Jacobs**

Our information retrieval abilities continue to expand. Near the card catalogue you should make yourself familiar with the Legal Resources Index (LRI) microfilm reader. It is easy to use: buttons advance or reverse the pre-loaded film. LRI is updated each month in cumulative form so that no supplements need be used. LRI is an index to 660 legal periodicals, legal newspapers, legal monographs and government publications, and in addition it lists law-related articles from 400 general periodicals and major national papers. If you need help ask **Vincent Burke, Pat Evans, Sara Sonet, Michael Gehringer** or **Betty Clowers.**

Our 250,000 books continue to meet many Court needs but the incomparable Library of Congress collection nextdoor also is an invaluable aid. We borrowed 2,016 items from the LoC during the past year (15 percent of our circulation requests) and had to use the LoC 1,500 times in response to reference inquiries (40 percent of our total.) Although the LoC is just across Capitol Street six hours normally should be allowed for a Law Library request (40 minutes in a rush situation) and 24 hours for other LoC requests (six hours in an emergency).

THE CHAMBERS

Jan Horbaly is Special Assistant to The Chief Justice. Jan was a Graduate Fellow and J.S.D. candidate at Yale Law School, and was a member of the law review at Case Western Reserve U. law school. He has an M.A. in government from the Woodrow Wilson Department of Government and Foreign Affairs at the U. of Virginia and an LL. M. in Constitutional Law from the law school of the same university. Jan has served in the Army JAG. He was a government attorney in the Calley case, served as a defense counsel in the 1976 West Point cheating scandal, and was chief of military justice at U.S. Army headquarters in Vietnam (earning three decorations in that war theater including the Bronze Star). Jan and his wife, **Marie,** have two daughters, **Vanessa** and **Michelle.** Jan succeeds **Bob Mayer** who has joined a law firm.

Barbara Seagle is first assistant secretary to the Chief Justice. She served previously as administrative assistant to Judge Belson at the Superior Court of D.C. **Janet B. Pully** came from the World Bank to become assistant secretary to **Mr. Justice Rehnquist. Brenda Crews,** formerly with the Department of the Interior, is assistant secretary to **Mr. Justice Stevens.**

MARSHAL'S STAFF

Melba E. Bigelow came from the Fairfield Farms Kitchen and **Virginia Singletary** from the River Terrace School in D.C. to join the housekeeping staff. **Gladys Garrett, Thelma Hodges** and **Annie G. Johnson** are also new housekeepers . . . **Donald Lee Crawford,** formerly with Buswell & Bennett in Virginia, has joined the labor force . . . **Darryl E. Wright** is a messenger . . . **Irene Miller,** assistant supervisor of the housekeepers, attended an OPM class on supervision and organization of work.

COMPUTERS

By **Jim Donovan**

Derek Butler, formerly with the Hecht Company, and **Stephen P. Wimberly,** who was at the Bethesda Type Foundry, are on our staff now as phototypesetters . . . **Deborah A. Savage** has come from the Burrough's Corporation to serve as a computer programmer . . . **Roland Goldstraw** is a computer printing specialist in charge of the new Publications Unit.

DEPARTURES

Legal Officer Bob Marsel has joined former Judicial Fellow **Tom Baynes** on the faculty of the Nova U. Law Center in Fort Lauderdale, Florida. Bob's program will include the conducting of a seminar on the Supreme Court in American Legal History . . . **Jim Conen,** research assistant in Mark Cannon's office, has left to attend law school . . . Others who have departed are **Lois Angell,** secretary to Mr. Justice Rehnquist, and **Stephanie Lynn Smith,** secretary to Mr. Justice Stevens. Also **Richard Gibson,** a cataloguing clerk in the Library, **Elizabeth**

Holley, Jeanette Laflam and **L. Gregory Neuzil** . . . **John Schofield** retired from the Print Shop. He served here seven years.

MORE PERSONNEL

Elizabeth Trumble is the Court's tour director. She is an Arts History graduate with previous experience with tours at the Rutgers University Art Gallery. She has come from the Library of Congress where she wrote script for exhibits, did research and helped install exhibits and compile catalogue information. . **Vanessa M. Yarnall** is a staff assistant now in the office of the Administrative Assistant . . . **Mary Beth Clark,** magna cum laude from American U., and **Laura Carlan,** cum laude from the U. of Georgia, are the new members of the Public Information Office staff ... **Patricia A. Knight** is secretary to Mark Cannon . . . She worked previously with Ernst & Whitney in D.C. . . . **Maggie Dupree** is managing secretary in the Secretarial Support Unit . . . **Betsy Saxon,** formerly Assistant to the Public Information Officer and **Darlene Pohlod,** formerly of the Federal Highway Administration, are now on **Jim Robbins'** personnell staff ... Betsy is the Personnel Assistant. **Alfreda Turnbow** is in the Secretarial Support Unit ... **Eileen Fregosi** of the messenger staff has taken a cataloguing and classification course and has moved to the Library as a cataloguing clerk.

ADDED PERSONNEL

Roger Jacobs is the second of the Librarians of the Supreme Court to be chosen for the presidency of the American Association of Law Libraries, an organization of 3,000. The late **Helen Newman** occupied the same office from 1949 to 1950. Roger will be Vice-President until June when he will step up to the main position at the association's national convention here in D.C. . . . Roger's essay on "Laws and Legislation Affecting Law Libraries" was published in the American Library Association's World Encyclopedia of Library and Information Services ... Marshal **Al Wong** took part in the annual seminar of the American Society of Industrial Security .. Personnel Officer **Jim Robbins** took a month course at the Institute for Court Management in Colorado ... Legal Officer **Joe Caldwell** attended the Congress of the Judicial Council of the National Bar Association in Dallas ... Joe also took part in a meeting in D.C. of the ABA's subcommittee on U.S. Supreme Court disciplinary enforcement (part of the Committee on Professional Discipline) ... **Patricia Jones** is a messenger . . . Among those who have served as interns in recent months are **Lori Cooper, Page Kelley, Tom Kilbride, Reed Markham** and **Steve Zelinger.**

POLICE

By **Officer Beth Cooper**

All on our force are keeping an eye on the U. of Wyoming as it tangles this Fall with Oklahoma, Nebraska, Florida State and Kansas State plus a foray to Hawaii. Officer **Lyle T. Evanoff** is the proud mother of **Michael T.** who is playing his first season on the Wyoming eleven as a full scholarship student. Michael had a brilliant career as defensive captain of the Oakton (Virginia) High School football team. He was chosen for nine all-star selections including the Associated Press's ideal scholastic football team . . . **Sergeant Warren Andrews** and **Edward Mitchell** of the Chief Justice's office were one-half of the four-man championship bowling team at Springfield, Virginia. Ed picked up a belt buckle as most improved bowler . . . Officer **Joseph R. Stotesbury** has retired after serving through nearly a sixth of Court history. He was on our force 29 years. . . . A new officer is **Alfonso V. Bautista.**

Even with the cool weather coming in our force members still remember that day last Summer when a thermometer at our duty post on the front plaza - with the Western sun radiating from all the Court marble - racked up 120 degrees!

Our police softball team again for the third straight year made it to the semi-finals of the Federal Judicial Softball League championships. With outfielders **Sue Stevens** and **Jane Korte** and Pitcher **Sharon Taylor** among our MVP's, we beat ten teams including the FBI, the Department of Justice, the VA, and both Court of Claims teams. The Computer Data Systems and the 13th Street Walkers, however, took our measure. **Bob Weaver** was our team manager. Over a 3-year period this gave us 35 wins and only 8 losses.

MORE SPORTS

By **Thomas West**

Coach **Joe Jacobs** of the general Court team (the "All Stars") is already looking beyond the winter to next year's softball tournament, comforted that the Court team should do well, based on how we fared this year. With a team of fifteen staffers we played in a league of eighty-six teams and, again this year, made it to the playoffs. During the season we won nine games and dropped only one. We clobbered the Office of Technical Assessment 25 to 4, breezed past the U.S. Court of Appeals 20 to 2, nosed past the Dirksen SOB post office 5 to 4 and took care of Senator Kennedy's staff 10 to 2. The Foreign Relations Committee staff were our sole conquerors during the season by 3 to 7. We met them again in the first round of the playoffs and it was a repetition of the same story as they ended our season for us 8 to 5. All told it was another good year.

CAFETERIA

By **Dick Burson**

This is to say a cheery farewell for my own part and to introduce the new cafeteria manager, **Patti Madonna.** Both my wife, **Jacqueline** and I are Navy lieutenant commanders (she on active duty, I in the reserves). My wife's new duty post is San Diego, hence my departure thence! I enjoyed the Court period.

BENEFITS

By **Dina Zucconi**

Make a note on your calendar for November 13: 11 a.m. to 2 p.m. Representatives of seventeen health plans have been invited to answer your questions in the West Conference Room. This may help you should you wish to take advantage of the open season on health benefit enrollments: November 10 through December 5.

And one more thing. Give a thought to U.S. Saving Bonds. Starting today (November 1) interest rises from 7% to 8%, compounded annually, when bonds are held to maturity (nine years now, no longer eleven years.)

HEALTH

By **Kathy Guidi R.N.**

Come get your flu shot! Available through November!

PHOTO - RICHARD HOFMEISTER

The Justice and **Marty Yopp** at Doctoral Conferral a year ago.

Marty Yopp, the last secretary of **Mr. Justice Douglas,** has returned to Lake City Community College in Florida where she is teaching part-time in the business department, and where she also has administrative responsibilities. **Harry Datcher,** the Justice's final messenger, is at work as a Publications Clerk in the Court's computer center.

Marty's final chore was to close out Justice Douglas' chambers during the past Summer. In addition to many files of personal papers of the Justice which were transferred to the Library of Congress, Marty arranged for the shipment of various of the chambers' furnishings to the Yakima Valley Museum and Historical Association in Washington State where a William O. Douglas wing is in preparation. Yakima was the boyhood home town of Justice Douglas. He taught high school there briefly.

On loan from the Court for the Yakima Douglas museum are two red leather armchairs, one of the wooden Conference carts, a two-drawer metal filing cabinet, a desk lamp and a bronze standing ash tray. Organizing the Douglas museum is William O. Pugh, director of the Yakima Valley Museum. Those wishing to assist him in the project may address him at 2105 Tieton Drive, Yakima 98902.

Another group with whom Marty worked in her final days were the Chesapeake & Ohio Canal Association. The association sought photographs and other memorabilia looking toward an eventual exhibition of them in the Washington D.C. area. Justice Douglas often organized hikes of many scores of miles along the canal. Marty cooperated also with the National Park Service in connection with plans for showing a film on Justice Douglas' successful effort to save the C & O Canal from becoming an automobile thoroughfare. The film is planned for the Visitor's Center at the C & O National Park in Georgetown.

Printing presses continue to turn out materials by and about the late Justice. Random House in New York published the second volume of the Justice's autobiography, "The Court Years, 1939-1975" (434 pages). Listed in the front were the titles of 31 other books by Justice Douglas. The Washington (State) Law Review ran a twelve-page tribute including a comment from **Mr. Justice Brennan** that Justice Douglas has been acclaimed generally as one who ranked "with the very great of the Court's history'. Dean Richard G. Huber of the Boston College Law School commended Justice Douglas in the pages of that school's "Environmental Affairs Law Review", and the Golden Gate University Law Review (San Francisco) ran an 18-page tribute.